

Introduced by Senators Perata, Alpert, Bowen, and Ortiz

(Coauthors: Assembly Members Alquist, Gallegos, Kuehl, Mazzoni, Nakano, Scott, Shelley, Torlakson, and Washington)

December 7, 1998

An act to amend Sections 12020, 12022, 12022.5, 12280, 12285, and 12289 of, and to add Section 12276.1 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 23, as introduced, Perata. Firearms: assault weapons.

(1) Existing law makes it a misdemeanor for any person to manufacture, cause to be manufactured, import into this state, keep or offer for sale, give, lend, or possess specified weapons and explosives.

This bill would make it a misdemeanor or a felony, beginning January 1, 2000, for any person to engage in any of the above activities with respect to any large-capacity magazine. A large-capacity magazine would be defined to mean any ammunition feeding device with the capacity to accept more than 10 rounds. By expanding the definition of, and increasing the penalty for, a crime, this bill imposes a state-mandated local program.

(2) Existing law requires imposition of enhanced terms of imprisonment on any person convicted of a felony, who was either armed with, or personally used, an assault weapon or machinegun, as defined, in the commission of, or attempted commission of that felony.

This bill would expand the above 2 enhancement provisions to include large-capacity firearms and would define the term “large-capacity firearms.” By expanding the scope of an enhancement provision, this bill would impose a state-mandated local program.

(3) 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.

This bill would further define the term “assault weapon” by providing descriptive definitions concerning the capacity and function of the weapon. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(4) Existing law makes it a crime, punishable either as a felony or a misdemeanor, for any person to possess any assault weapon, as defined. However, if a person charged with a first-time violation of that offense, presents proof that he or she lawfully possessed the assault weapon within a specified period, and has since registered the weapon or relinquished it, the offense is punishable as an infraction, if the person has also complied with specified conditions. Existing law also provides a period of forgiveness to persons in possession of an assault weapon during a specified period under specified conditions. In addition, existing law exempts specified law enforcement agencies from the prohibition against possession, purchase, or sale of assault weapons.

This bill would make it an infraction, punishable by a fine up to \$500, for a first-time violation of the above-mentioned offense, if the offender was found in possession of no more than 2 firearms in compliance with specified provisions and proves by a preponderance of the evidence that he or she lawfully possessed the assault weapon prior to the date it was defined as an assault weapon under the proposed provision set forth in (3). This bill would also add an additional period of forgiveness for persons in possession of assault weapons, as defined, pursuant to the proposed provision set forth in (3), to extend to the one-year period after the weapon was defined as an assault weapon under that proposed provision. By



defining a new crime, this bill would impose a state-mandated local program.

(5) Existing law requires any person who lawfully possesses an assault weapon, as defined, prior to specified periods, to register that weapon with the Department of Justice, within a specified period of time.

This bill would require any person who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon pursuant to the proposed provision mentioned in (3) above, to register the weapon within one year of the effective date of that provision.

(6) Existing law requires the Department of Justice to conduct a public education and notification program regarding the registration of assault weapons, the limited forgiveness period of the registration requirement and the consequences of nonregistration.

This bill would require that the public education and notification program include the new definition of assault weapons discussed in paragraph (4) above.

(7) The bill would provide that its provisions are severable.

(8) 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 12020 of the Penal Code is
2 amended to read:

3 12020. (a) Any person in this state who ~~manufactures~~
4 *does any of the following is punishable by imprisonment*
5 *in a county jail not exceeding one year or in the state*
6 *prison:*

7 (1) *Manufactures* or causes to be manufactured,
8 imports into the state, keeps for sale, or offers or exposes
9 for sale, or who gives, lends, or possesses any cane gun or



1 wallet gun, any undetectable firearm, any firearm which
2 is not immediately recognizable as a firearm, any
3 camouflaging firearm container, any ammunition which
4 contains or consists of any fléchette dart, any bullet
5 containing or carrying an explosive agent, any ballistic
6 knife, any multiburst trigger activator, any nunchaku,
7 any short-barreled shotgun, any short-barreled rifle, any
8 metal knuckles, any belt buckle knife, any leaded cane,
9 any zip gun, any shuriken, any unconventional pistol, any
10 lipstick case knife, any cane sword, any shobi-zue, any air
11 gauge knife, any writing pen knife, any metal military
12 practice handgrenade or metal replica handgrenade, or
13 any instrument or weapon of the kind commonly known
14 as a blackjack, slungshot, billy, sandclub, sap, or sandbag;
15 ~~or who carries.~~

16 (2) *Commencing January 1, 2000, manufactures or*
17 *causes to be manufactured, imports into the state, keeps*
18 *for sale, or offers or exposes for sale, or who gives, or lends*
19 *any large-capacity magazine.*

20 (3) *Carries* concealed upon his or her person any
21 explosive substance, other than fixed ammunition, ~~or who~~
22 ~~carries.~~

23 (4) *Carries* concealed upon his or her person any dirk
24 or dagger ~~is punishable by imprisonment in a county jail~~
25 ~~not exceeding one year or in the state prison.~~ However,
26 a first offense involving any metal military practice
27 handgrenade or metal replica handgrenade shall be
28 punishable only as an infraction unless the offender is an
29 active participant in a criminal street gang as defined in
30 the Street Terrorism and Enforcement and Prevention
31 Act (Chapter 11 (commencing with Section ~~186.20~~)
32 ~~186.29~~) of Title 7 of Part 1). A bullet containing or
33 carrying an explosive agent is not a destructive device as
34 that term is used in Section 12301.

35 (b) Subdivision (a) does not apply to any of the
36 following:

37 (1) The sale to, purchase by, or possession of
38 short-barreled shotguns or short-barreled rifles by police
39 departments, sheriffs' offices, marshals' offices, the
40 California Highway Patrol, the Department of Justice, or



1 the military or naval forces of this state or of the United
2 States for use in the discharge of their official duties or the
3 possession of short-barreled shotguns and short-barreled
4 rifles by regular, salaried, full-time members of a police
5 department, sheriff's office, marshal's office, the
6 California Highway Patrol, or the Department of Justice
7 when on duty and the use is authorized by the agency and
8 is within the course and scope of their duties.

9 (2) The manufacture, possession, transportation or
10 sale of short-barreled shotguns or short-barreled rifles
11 when authorized by the Department of Justice pursuant
12 to Article 6 (commencing with Section 12095) of this
13 chapter and not in violation of federal law.

14 (3) The possession of a nunchaku on the premises of a
15 school which holds a regulatory or business license and
16 teaches the arts of self-defense.

17 (4) The manufacture of a nunchaku for sale to, or the
18 sale of a nunchaku to, a school which holds a regulatory
19 or business license and teaches the arts of self-defense.

20 (5) Any antique firearm. For purposes of this section,
21 "antique firearm" means any firearm not designed or
22 redesigned for using rimfire or conventional center fire
23 ignition with fixed ammunition and manufactured in or
24 before 1898 (including any matchlock, flintlock,
25 percussion cap, or similar type of ignition system or
26 replica thereof, whether actually manufactured before or
27 after the year 1898) and also any firearm using fixed
28 ammunition manufactured in or before 1898, for which
29 ammunition is no longer manufactured in the United
30 States and is not readily available in the ordinary channels
31 of commercial trade.

32 (6) Tracer ammunition manufactured for use in
33 shotguns.

34 (7) Any firearm or ammunition which is a curio or relic
35 as defined in Section 178.11 of Title 27 of the Code of
36 Federal Regulations and which is in the possession of a
37 person permitted to possess the items pursuant to
38 Chapter 44 (commencing with Section 921) of Title 18 of
39 the United States Code and the regulations issued
40 pursuant thereto. Any person prohibited by Section



1 12021, 12021.1, or 12101 of this code or Section 8100 or 8103
2 of the Welfare and Institutions Code from possessing
3 firearms or ammunition who obtains title to these items
4 by bequest or intestate succession may retain title for not
5 more than one year, but actual possession of these items
6 at any time is punishable pursuant to Section 12021,
7 12021.1, or 12101 of this code or Section 8100 or 8103 of the
8 Welfare and Institutions Code. Within the year the
9 person shall transfer title to the firearms or ammunition
10 by sale, gift, or other disposition. Any person who violates
11 this paragraph is in violation of subdivision (a).

12 (8) Any other weapon as defined in subsection (e) of
13 Section 5845 of Title 26 of the United States Code and
14 which is in the possession of a person permitted to possess
15 the weapons pursuant to the federal Gun Control Act of
16 1968 (Public Law 90-618), as amended, and the
17 regulations issued pursuant thereto. Any person
18 prohibited by Section 12021, 12021.1, or 12101 of this code
19 or Section 8100 or 8103 of the Welfare and Institutions
20 Code from possessing these weapons who obtains title to
21 these weapons by bequest or intestate succession may
22 retain title for not more than one year, but actual
23 possession of these weapons at any time is punishable
24 pursuant to Section 12021, 12021.1, or 12101 of this code or
25 Section 8100 or 8103 of the Welfare and Institutions Code.
26 Within the year, the person shall transfer title to the
27 weapons by sale, gift, or other disposition. Any person
28 who violates this paragraph is in violation of subdivision
29 (a). The exemption provided in this subdivision does not
30 apply to pen guns.

31 (9) Instruments or devices that are possessed by
32 federal, state, and local historical societies, museums, and
33 institutional collections which are open to the public,
34 provided that these instruments or devices are properly
35 housed, secured from unauthorized handling, and, if the
36 instrument or device is a firearm, unloaded.

37 (10) Instruments or devices, other than short-barreled
38 shotguns or short-barreled rifles, that are possessed or
39 utilized during the course of a motion picture, television,
40 or video production or entertainment event by an



1 authorized participant therein in the course of making
2 that production or event or by an authorized employee
3 or agent of the entity producing that production or event.

4 (11) Instruments or devices, other than short-barreled
5 shotguns or short-barreled rifles, that are sold by,
6 manufactured by, exposed or kept for sale by, possessed
7 by, imported by, or lent by persons who are in the
8 business of selling instruments or devices listed in
9 subdivision (a) solely to the entities referred in
10 paragraphs (9) and (10) when engaging in transactions
11 with those entities.

12 (12) The sale to, possession of, or purchase of any
13 weapon, device, or ammunition, other than a
14 short-barreled rifle or short-barreled shotgun, by any
15 federal, state, county, city and county, or city agency that
16 is charged with the enforcement of any law for use in the
17 discharge of their official duties, or the possession of any
18 weapon, device, or ammunition, other than a
19 short-barreled rifle or short-barreled shotgun, by peace
20 officers thereof when on duty and the use is authorized
21 by the agency and is within the course and scope of their
22 duties.

23 (13) Weapons, devices, and ammunition, other than a
24 short-barreled rifle or short-barreled shotgun, that are
25 sold by, manufactured by, exposed, or kept for sale by,
26 possessed by, imported by, or lent by, persons who are in
27 the business of selling weapons, devices, and ammunition
28 listed in subdivision (a) solely to the entities referred to
29 in paragraph (12) when engaging in transactions with
30 those entities.

31 (14) The manufacture for, sale to, exposing or keeping
32 for sale to, importation of, or lending of wooden clubs or
33 batons to special police officers or uniformed security
34 guards authorized to carry any wooden club or baton
35 pursuant to Section 12002 by entities that are in the
36 business of selling wooden batons or clubs to special police
37 officers and uniformed security guards when engaging in
38 transactions with those persons.

39 (15) Any plastic toy handgrenade, or any metal
40 military practice handgrenade or metal replica



1 handgrenade that is a relic, curio, memorabilia, or display
2 item, that is filled with a permanent inert substance or
3 that is otherwise permanently altered in a manner that
4 prevents ready modification for use as a grenade.

5 (16) Any instrument, ammunition, weapon, or device
6 listed in subdivision (a) that is not a firearm that is found
7 and possessed by a person who meets all of the following:

8 (A) The person is not prohibited from possessing
9 firearms or ammunition pursuant to Section 12021 or
10 12021.1 or paragraph (1) of subdivision (b) of Section
11 12316 of this code or Section 8100 or 8103 of the Welfare
12 and Institutions Code.

13 (B) The person possessed the instrument,
14 ammunition, weapon, or device no longer than was
15 necessary to deliver or transport the same to a law
16 enforcement agency for that agency's disposition
17 according to law.

18 (C) If the person is transporting the listed item, he or
19 she is transporting the listed item to a law enforcement
20 agency for disposition according to law.

21 (17) Any firearm, other than a short-barreled rifle or
22 short-barreled shotgun, that is found and possessed by a
23 person who meets all of the following:

24 (A) The person is not prohibited from possessing
25 firearms or ammunition pursuant to Section 12021 or
26 12021.1 or paragraph (1) of subdivision (b) of Section
27 12316 of this code or Section 8100 or 8103 of the Welfare
28 and Institutions Code.

29 (B) The person possessed the firearm no longer than
30 was necessary to deliver or transport the same to a law
31 enforcement agency for that agency's disposition
32 according to law.

33 (C) If the person is transporting the firearm, he or she
34 is transporting the firearm to a law enforcement agency
35 for disposition according to law.

36 (D) Prior to transporting the firearm to a law
37 enforcement agency, he or she has given prior notice to
38 that law enforcement agency that he or she is
39 transporting the firearm to that law enforcement agency
40 for disposition according to law.



1 (E) The firearm is transported in a locked container as
2 defined in subdivision (d) of Section 12026.2.

3 (18) The possession of any weapon, device, or
4 ammunition, by a forensic laboratory or any authorized
5 agent or employee thereof in the course and scope of his
6 or her authorized activities.

7 (c) (1) As used in this section, a “short-barreled
8 shotgun” means any of the following:

9 (A) A firearm which is designed or redesigned to fire
10 a fixed shotgun shell and having a barrel or barrels of less
11 than 18 inches in length.

12 (B) A firearm which has an overall length of less than
13 26 inches and which is designed or redesigned to fire a
14 fixed shotgun shell.

15 (C) Any weapon made from a shotgun (whether by
16 alteration, modification, or otherwise) if that weapon, as
17 modified, has an overall length of less than 26 inches or a
18 barrel or barrels of less than 18 inches in length.

19 (D) Any device which may be readily restored to fire
20 a fixed shotgun shell which, when so restored, is a device
21 defined in subparagraphs (A) to (C), inclusive.

22 (E) Any part, or combination of parts, designed and
23 intended to convert a device into a device defined in
24 subparagraphs (A) to (C), inclusive, or any combination
25 of parts from which a device defined in subparagraphs
26 (A) to (C), inclusive, can be readily assembled if those
27 parts are in the possession or under the control of the
28 same person.

29 (2) As used in this section, a “short-barreled rifle”
30 means any of the following:

31 (A) A rifle having a barrel or barrels of less than 16
32 inches in length.

33 (B) A rifle with an overall length of less than 26 inches.

34 (C) Any weapon made from a rifle (whether by
35 alteration, modification, or otherwise) if that weapon as
36 modified has an overall length of less than 26 inches or a
37 barrel or barrels of less than 16 inches in length.

38 (D) Any device which may be readily restored to fire
39 a fixed cartridge which, when so restored, is a device
40 defined in subparagraphs (A) to (C), inclusive.



1 (E) Any part, or combination of parts, designed and
2 intended to convert a device into a device defined in
3 subparagraphs (A) to (C), inclusive, or any combination
4 of parts from which a device defined in subparagraphs
5 (A) to (C), inclusive, may be readily assembled if those
6 parts are in the possession or under the control of the
7 same person.

8 (3) As used in this section, a “nunchaku” means an
9 instrument consisting of two or more sticks, clubs, bars or
10 rods to be used as handles, connected by a rope, cord,
11 wire, or chain, in the design of a weapon used in
12 connection with the practice of a system of self-defense
13 such as karate.

14 (4) As used in this section, a “wallet gun” means any
15 firearm mounted or enclosed in a case, resembling a
16 wallet, designed to be or capable of being carried in a
17 pocket or purse, if the firearm may be fired while
18 mounted or enclosed in the case.

19 (5) As used in this section, a “cane gun” means any
20 firearm mounted or enclosed in a stick, staff, rod, crutch,
21 or similar device, designed to be, or capable of being used
22 as, an aid in walking, if the firearm may be fired while
23 mounted or enclosed therein.

24 (6) As used in this section, a “fléchette dart” means a
25 dart, capable of being fired from a firearm, which
26 measures approximately one inch in length, with tail fins
27 which take up five-sixteenths of an inch of the body.

28 (7) As used in this section, “metal knuckles” means
29 any device or instrument made wholly or partially of
30 metal which is worn for purposes of offense or defense in
31 or on the hand and which either protects the wearer’s
32 hand while striking a blow or increases the force of impact
33 from the blow or injury to the individual receiving the
34 blow. The metal contained in the device may help
35 support the hand or fist, provide a shield to protect it, or
36 consist of projections or studs which would contact the
37 individual receiving a blow.

38 (8) As used in this section, a “ballistic knife” means a
39 device that propels a knifelike blade as a projectile by
40 means of a coil spring, elastic material, or compressed gas.



1 Ballistic knife does not include any device which propels
2 an arrow or a bolt by means of any common bow,
3 compound bow, crossbow, or underwater spear gun.

4 (9) As used in this section, a “camouflaging firearm
5 container” means a container which meets all of the
6 following criteria:

7 (A) It is designed and intended to enclose a firearm.

8 (B) It is designed and intended to allow the firing of
9 the enclosed firearm by external controls while the
10 firearm is in the container.

11 (C) It is not readily recognizable as containing a
12 firearm.

13 “Camouflaging firearm container” does not include
14 any camouflaging covering used while engaged in lawful
15 hunting or while going to or returning from a lawful
16 hunting expedition.

17 (10) As used in this section, a “zip gun” means any
18 weapon or device which meets all of the following
19 criteria:

20 (A) It was not imported as a firearm by an importer
21 licensed pursuant to Chapter 44 (commencing with
22 Section 921) of Title 18 of the United States Code and the
23 regulations issued pursuant thereto.

24 (B) It was not originally designed to be a firearm by a
25 manufacturer licensed pursuant to Chapter 44
26 (commencing with Section 921) of Title 18 of the United
27 States Code and the regulations issued pursuant thereto.

28 (C) No tax was paid on the weapon or device nor was
29 an exemption from paying tax on that weapon or device
30 granted under Section 4181 and subchapters F
31 (commencing with Section 4216) and G (commencing
32 with Section 4221) of Chapter 32 of Title 26 of the United
33 States Code, as amended, and the regulations issued
34 pursuant thereto.

35 (D) It is made or altered to expel a projectile by the
36 force of an explosion or other form of combustion.

37 (11) As used in this section, a “shuriken” means any
38 instrument, without handles, consisting of a metal plate
39 having three or more radiating points with one or more
40 sharp edges and designed in the shape of a polygon,



1 trefoil, cross, star, diamond, or other geometric shape for
2 use as a weapon for throwing.

3 (12) As used in this section, an “unconventional pistol”
4 means a firearm that does not have a rifled bore and has
5 a barrel or barrels of less than 18 inches in length or has
6 an overall length of less than 26 inches.

7 (13) As used in this section, a “belt buckle knife” is a
8 knife which is made an integral part of a belt buckle and
9 consists of a blade with a length of at least 2¹/₂ inches.

10 (14) As used in this section, a “lipstick case knife”
11 means a knife enclosed within and made an integral part
12 of a lipstick case.

13 (15) As used in this section, a “cane sword” means a
14 cane, swagger stick, stick, staff, rod, pole, umbrella, or
15 similar device, having concealed within it a blade that
16 may be used as a sword or stiletto.

17 (16) As used in this section, a “shobi-zue” means a staff,
18 crutch, stick, rod, or pole concealing a knife or blade
19 within it which may be exposed by a flip of the wrist or
20 by a mechanical action.

21 (17) As used in this section, a “leaded cane” means a
22 staff, crutch, stick, rod, pole, or similar device,
23 unnaturally weighted with lead.

24 (18) As used in this section, an “air gauge knife” means
25 a device that appears to be an air gauge but has concealed
26 within it a pointed, metallic shaft that is designed to be a
27 stabbing instrument which is exposed by mechanical
28 action or gravity which locks into place when extended.

29 (19) As used in this section, a “writing pen knife”
30 means a device that appears to be a writing pen but has
31 concealed within it a pointed, metallic shaft that is
32 designed to be a stabbing instrument which is exposed by
33 mechanical action or gravity which locks into place when
34 extended or the pointed, metallic shaft is exposed by the
35 removal of the cap or cover on the device.

36 (20) As used in this section, a “rifle” means a weapon
37 designed or redesigned, made or remade, and intended
38 to be fired from the shoulder and designed or redesigned
39 and made or remade to use the energy of the explosive in



1 a fixed cartridge to fire only a single projectile through a
2 rifled bore for each single pull of the trigger.

3 (21) As used in this section, a “shotgun” means a
4 weapon designed or redesigned, made or remade, and
5 intended to be fired from the shoulder and designed or
6 redesigned and made or remade to use the energy of the
7 explosive in a fixed shotgun shell to fire through a smooth
8 bore either a number of projectiles (ball shot) or a single
9 projectile for each pull of the trigger.

10 (22) As used in this section, an “undetectable firearm”
11 means any weapon which meets one of the following
12 requirements:

13 (A) When, after removal of grips, stocks, and
14 magazines, it is not as detectable as the Security
15 Exemplar, by walk-through metal detectors calibrated
16 and operated to detect the Security Exemplar.

17 (B) When any major component of which, when
18 subjected to inspection by the types of X-ray machines
19 commonly used at airports, does not generate an image
20 that accurately depicts the shape of the component.
21 Barium sulfate or other compounds may be used in the
22 fabrication of the component.

23 (C) For purposes of this paragraph, the terms
24 “firearm,” “major component,” and “Security Exemplar”
25 have the same meanings as those terms are defined in
26 Section 922 of Title 18 of the United States Code.

27 All firearm detection equipment newly installed in
28 nonfederal public buildings in this state shall be of a type
29 identified by either the United States Attorney General,
30 the Secretary of Transportation, or the Secretary of the
31 Treasury, as appropriate, as available state-of-the-art
32 equipment capable of detecting an undetectable firearm,
33 as defined, while distinguishing innocuous metal objects
34 likely to be carried on one’s person sufficient for
35 reasonable passage of the public.

36 (23) As used in this section, a “multiburst trigger
37 activator” means one of the following devices:

38 (A) A device designed or redesigned to be attached
39 to a semiautomatic firearm which allows the firearm to



1 discharge two or more shots in a burst by activating the
2 device.

3 (B) A manual or power-driven trigger activating
4 device constructed and designed so that when attached
5 to a semiautomatic firearm it increases the rate of fire of
6 that firearm.

7 (24) As used in this section, a “dirk” or “dagger” means
8 a knife or other instrument with or without a handguard
9 that is capable of ready use as a stabbing weapon that may
10 inflict great bodily injury or death. A nonlocking folding
11 knife, a folding knife that is not prohibited by Section
12 653k, or a pocketknife is capable of ready use as a stabbing
13 weapon that may inflict great bodily injury or death only
14 if the blade of the knife is exposed and locked into
15 position.

16 (25) *As used in this section, “large-capacity magazine”*
17 *means any ammunition feeding device with the capacity*
18 *to accept more than 10 rounds, but shall not be construed*
19 *to include a feeding device that has been permanently*
20 *altered so that it cannot accommodate more than 10*
21 *rounds.*

22 (d) Knives carried in sheaths which are worn openly
23 suspended from the waist of the wearer are not concealed
24 within the meaning of this section.

25 SEC. 2. Section 12022 of the Penal Code is amended
26 to read:

27 12022. (a) (1) Except as provided in subdivisions (c)
28 and (d), any person who is armed with a firearm in the
29 commission or attempted commission of a felony shall,
30 upon conviction of that felony or attempted felony, in
31 addition and consecutive to the punishment prescribed
32 for the felony or attempted felony of which he or she has
33 been convicted, be punished by an additional term of one
34 year, unless the arming is an element of the offense of
35 which he or she was convicted. This additional term shall
36 apply to any person who is a principal in the commission
37 or attempted commission of a felony if one or more of the
38 principals is armed with a firearm, whether or not the
39 person is personally armed with a firearm.



1 (2) Except as provided in subdivision (c), and
2 notwithstanding subdivision (d), if the firearm is an
3 assault weapon, as defined in Section 12276, a
4 *large-capacity firearm, as defined in subdivision (g)*, or a
5 machinegun, as defined in Section 12200, the additional
6 term described in this subdivision shall be three years
7 whether or not the arming is an element of the offense of
8 which he or she was convicted. The additional term
9 provided in this paragraph shall apply to any person who
10 is a principal in the commission or attempted commission
11 of a felony if one or more of the principals is armed with
12 an assault weapon, *large-capacity firearm, as defined in*
13 *subdivision (g)*, or machinegun whether or not the
14 person is personally armed with an assault weapon,
15 *large-capacity firearm, as defined in subdivision (g)*, or
16 machinegun.

17 (b) (1) Any person who personally uses a deadly or
18 dangerous weapon in the commission or attempted
19 commission of a felony shall, upon conviction of that
20 felony or attempted felony, in addition and consecutive
21 to the punishment prescribed for the felony or attempted
22 felony of which he or she has been convicted, be punished
23 by an additional term of one year, unless use of a deadly
24 or dangerous weapon is an element of the offense of
25 which he or she was convicted.

26 (2) If the person described in paragraph (1) has been
27 convicted of carjacking or attempted carjacking, the
28 additional term shall be one, two, or three years.

29 (3) When a person is found to have personally used a
30 deadly or dangerous weapon in the commission or
31 attempted commission of a felony as provided in this
32 subdivision and the weapon is owned by that person, the
33 court shall order that the weapon be deemed a nuisance
34 and disposed of in the manner provided in Section 12028.

35 (c) Notwithstanding the enhancement set forth in
36 subdivision (a), any person who is personally armed with
37 a firearm in the commission or attempted commission of
38 a violation of Section 11351, 11351.5, 11352, 11366.5,
39 11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the
40 Health and Safety Code, shall, upon conviction of that



1 offense and in addition and consecutive to the
2 punishment prescribed for that offense of which he or she
3 has been convicted, be punished by an additional term of
4 imprisonment in the state prison for three, four, or five
5 years in the court's discretion. The court shall order the
6 middle term unless there are circumstances in
7 aggravation or mitigation. The court shall state the
8 reasons for its enhancement choice on the record at the
9 time of the sentence.

10 (d) Notwithstanding the enhancement set forth in
11 subdivision (a), any person who is not personally armed
12 with a firearm who, knowing that another principal is
13 personally armed with a firearm, is a principal in the
14 commission or attempted commission of an offense
15 specified in subdivision (c), shall, upon conviction of that
16 offense, be punished by an additional term of one, two, or
17 three years in the court's discretion. The court shall order
18 the middle term unless there are circumstances in
19 aggravation or mitigation. The court shall state the
20 reasons for its enhancement choice on the record at the
21 time of the sentence.

22 (e) For purposes of imposing an enhancement under
23 Section 1170.1, the enhancements under this section shall
24 count as one, single enhancement.

25 (f) Notwithstanding any other provision of law, the
26 court may strike the additional punishment for the
27 enhancements provided in subdivision (c) or (d) in an
28 unusual case where the interests of justice would best be
29 served, if the court specifies on the record and enters into
30 the minutes the circumstances indicating that the
31 interests of justice would best be served by that
32 disposition.

33 (g) *As used in this section, "large-capacity firearm"*
34 *means any of the following:*

35 (1) *A semiautomatic rifle that has a magazine with the*
36 *capacity to accept more than 10 rounds attached to it.*

37 (2) *A semiautomatic pistol that has a magazine with*
38 *the capacity to accept more than 10 rounds attached to it.*

39 (3) *A semiautomatic shotgun that has the capacity to*
40 *accept a detachable magazine.*



1 (h) As used in this section, the following definitions
2 shall apply:

3 (1) “Magazine” shall mean any ammunition feeding
4 device.

5 (2) “Capacity to accept more than 10 rounds” shall
6 mean capable of accommodating more than 10 rounds,
7 but shall not be construed to include a feeding device that
8 has been permanently altered so that it cannot
9 accommodate more than 10 rounds.

10 SEC. 3. Section 12022.5 of the Penal Code is amended
11 to read:

12 12022.5. (a) (1) Except as provided in subdivisions
13 (b) and (c), any person who personally uses a firearm in
14 the commission or attempted commission of a felony
15 shall, upon conviction of that felony or attempted felony,
16 in addition and consecutive to the punishment
17 prescribed for the felony or attempted felony of which he
18 or she has been convicted, be punished by an additional
19 term of imprisonment in the state prison for 3, 4, or 10
20 years, unless use of a firearm is an element of the offense
21 of which he or she was convicted.

22 (2) If the person described in paragraph (1) has been
23 convicted of carjacking or attempted carjacking, the
24 additional term shall be 4, 5, or 10 years. The court shall
25 order imposition of the middle term unless there are
26 circumstances in aggravation or mitigation. The court
27 shall state its reasons for its enhancement choice on the
28 record at the time of sentencing.

29 (b) (1) Notwithstanding subdivision (a), any person
30 who is convicted of a felony or an attempt to commit a
31 felony, including murder or attempted murder, in which
32 that person discharged a firearm at an occupied motor
33 vehicle which caused great bodily injury or death to the
34 person of another, shall, upon conviction of that felony or
35 attempted felony, in addition and consecutive to the
36 sentence prescribed for the felony or attempted felony,
37 be punished by an additional term of imprisonment in the
38 state prison for 5, 6, or 10 years.

39 (2) Notwithstanding subdivision (a), any person who
40 personally uses an assault weapon, as specified in Section



1 12276, *large-capacity firearm*, as defined in subdivision
2 (g), or a machinegun, as defined in Section 12200, in the
3 commission or attempted commission of a felony, shall,
4 upon conviction of that felony or attempted felony, in
5 addition and consecutive to the sentence prescribed for
6 the felony or attempted felony, be punished by an
7 additional term of imprisonment in the state prison for 5,
8 6, or 10 years.

9 (c) Notwithstanding the enhancement set forth in
10 subdivision (a), any person who personally uses a firearm
11 in the commission or attempted commission of a violation
12 of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378,
13 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety
14 Code, shall, upon conviction of that offense and in
15 addition and consecutive to the punishment prescribed
16 for the offense of which he or she has been convicted, be
17 punished by an additional term of imprisonment in the
18 state prison for 3, 4, or 10 years in the court's discretion.
19 The court shall order the imposition of the middle term
20 unless there are circumstances in aggravation or
21 mitigation. The court shall state the reasons for its
22 enhancement choice on the record.

23 (d) The additional term provided by this section may
24 be imposed in cases of assault with a firearm under
25 paragraph (2) of subdivision (a) of Section 245, or assault
26 with a deadly weapon which is a firearm under Section
27 245, or murder if the killing was perpetrated by means of
28 shooting a firearm from a motor vehicle, intentionally at
29 another person outside of the vehicle with the intent to
30 inflict great bodily injury or death.

31 (e) When a person is found to have personally used a
32 firearm, an assault weapon, or a machinegun in the
33 commission or attempted commission of a felony as
34 provided in this section and the firearm, assault weapon,
35 or machinegun is owned by that person, the court shall
36 order that the firearm be deemed a nuisance and
37 disposed of in the manner provided in Section 12028.

38 (f) For purposes of imposing an enhancement under
39 Section 1170.1, the enhancements under this section shall
40 count as one, single enhancement.



1 (g) As used in this section, “large-capacity firearm”
2 means any of the following:

3 (1) A semiautomatic rifle that has a magazine with the
4 capacity to accept more than 10 rounds attached to it.

5 (2) A semiautomatic pistol that has a detachable
6 magazine with the capacity to accept more than 10
7 rounds attached to it.

8 (3) A semiautomatic shotgun that has the capacity to
9 accept a detachable magazine.

10 (h) As used in this section, the following definitions
11 shall apply:

12 (1) “Magazine” shall mean any ammunition feeding
13 device.

14 (2) “Capacity to accept more than 10 rounds” shall
15 mean capable of accommodating more than 10 rounds,
16 but shall not be construed to include a feeding device that
17 has been permanently altered so that it cannot
18 accommodate more than 10 rounds.

19 SEC. 4. Section 12276.1 is added to the Penal Code, to
20 read:

21 12276.1. (a) Notwithstanding Section 12276, “assault
22 weapon” shall also mean any of the following:

23 (1) A semiautomatic, centerfire rifle that has the
24 capacity to accept a detachable magazine and any one of
25 the following:

26 (A) A conspicuously protruding pistol grip.

27 (B) A thumbhole stock.

28 (C) A vertical handgrip.

29 (D) A folding or telescoping stock.

30 (E) A grenade launcher.

31 (F) A threaded barrel.

32 (2) A semiautomatic, centerfire rifle that has a fixed
33 magazine with the capacity to accept more than 10
34 rounds.

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

37 (4) A semiautomatic pistol that has the capacity to
38 accept a detachable magazine and any one of the
39 following:

40 (A) A threaded barrel.



1 (B) A second vertical handgrip.

2 (C) A shroud that is attached to, or partially or
3 completely encircles the barrel, except a slide that
4 encloses the barrel.

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

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

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

11 (A) A folding or telescoping stock.

12 (B) A conspicuously protruding pistol grip, thumbhole
13 stock, or vertical handgrip.

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

16 (8) Any shotgun with a revolving cylinder.

17 (b) This section shall become operative on January 1,
18 2000.

19 (c) The following definitions shall apply under this
20 section:

21 (1) "Magazine" shall mean any ammunition feeding
22 device.

23 (2) "Capacity to accept more than 10 rounds" shall
24 mean capable of accommodating more than 10 rounds,
25 but shall not be construed to include a feeding device that
26 has been permanently altered so that it cannot
27 accommodate more than 10 rounds.

28 SEC. 5. Section 12280 of the Penal Code is amended
29 to read:

30 12280. (a) (1) Any person who, within this state,
31 manufactures or causes to be manufactured, distributes,
32 transports, or imports into the state, keeps for sale, or
33 offers or exposes for sale, or who gives or lends any assault
34 weapon, except as provided by this chapter, is guilty of a
35 felony, and upon conviction shall be punished by
36 imprisonment in the state prison for four, six, or eight
37 years.

38 (2) In addition and consecutive to the punishment
39 imposed under paragraph (1), any person who transfers,
40 lends, sells, or gives any assault weapon to a minor in



1 violation of paragraph (1) shall receive an enhancement
2 of one year.

3 (b) Except as provided in Section 12288, *and in*
4 *subdivisions (c) and (d)*, any person who, within this
5 state, possesses any assault weapon, except as provided in
6 this chapter, is guilty of a public offense and upon
7 conviction shall be punished by imprisonment in the state
8 prison, or in a county jail, not exceeding one year.
9 However, if the person presents proof that he or she
10 lawfully possessed the assault weapon prior to June 1,
11 1989, or prior to the date it was specified as an assault
12 weapon, and has since either registered the firearm and
13 any other lawfully obtained firearm ~~subject to this~~
14 ~~chapter~~ *specified by Section 12276 or 12276.5* pursuant to
15 Section 12285 or relinquished them pursuant to Section
16 12288, a first-time violation of this subdivision shall be an
17 infraction punishable by a fine of up to five hundred
18 dollars (\$500), but not less than three hundred fifty
19 dollars (\$350), if the person has otherwise possessed the
20 firearm in compliance with subdivision (c) of Section
21 12285. In these cases, the firearm shall be returned unless
22 the court finds in the interest of public safety, after notice
23 and hearing, that the assault weapon should be destroyed
24 pursuant to Section 12028.

25 (c) *A first-time violation of subdivision (b) shall be an*
26 *infraction punishable by a fine of up to five hundred*
27 *dollars (\$500), if the person was found in possession of no*
28 *more than two firearms in compliance with subdivision*
29 *(c) of Section 12285 and the person meets all of the*
30 *following conditions:*

31 (1) *The person proves by a preponderance of*
32 *evidence that he or she lawfully possessed the assault*
33 *weapon prior to the date it was defined as an assault*
34 *weapon pursuant to Section 12276.1.*

35 (2) *The person is not found in possession of a firearm*
36 *specified as an assault weapon pursuant to Section 12276*
37 *or Section 12276.5.*

38 (3) *The person has not previously been convicted of*
39 *violating this section.*

1 (4) *The person was found to be in possession of the*
2 *assault weapons within one year following the end of the*
3 *one-year registration period established pursuant to*
4 *subdivision (a) of Section 12285.*

5 (5) *The person has since registered the firearms and*
6 *any other lawfully obtained firearms defined by Section*
7 *12276.1, pursuant to Section 12285, except as provided for*
8 *by this section, or relinquished them pursuant to Section*
9 *12288.*

10 (d) *Firearms seized pursuant to subdivision (c) shall*
11 *be returned unless the court finds in the interest of public*
12 *safety, after notice and hearing, that the assault weapon*
13 *should be destroyed pursuant to Section 12028.*

14 (e) Notwithstanding Section 654 or any other
15 provision of law, any person who commits another crime
16 while violating this section may receive an additional,
17 consecutive punishment of one year for violating this
18 section in addition and consecutive to the punishment,
19 including enhancements, which is prescribed for the
20 other crime.

21 ~~(d)~~

22 (f) Subdivisions (a) and (b) shall not apply to the sale
23 to, purchase by, or possession of assault weapons by the
24 Department of Justice, police departments, sheriffs'
25 offices, marshals' offices, the Department of Corrections,
26 the Department of the California Highway Patrol, district
27 attorneys' offices, or the military or naval forces of this
28 state or of the United States for use in the discharge of
29 their official duties; nor shall anything in this chapter
30 prohibit the possession or use of assault weapons by sworn
31 members of these agencies when on duty ~~and the use is~~
32 ~~within the scope of their duties,~~ *whether the officer is on*
33 *or off duty, or the possession by an individual who is*
34 *retired from service with a law enforcement agency and*
35 *who is not otherwise prohibited from possessing an assault*
36 *weapon transferred to the individual by the agency upon*
37 *his or her retirement.*

38 ~~(e)~~

39 (g) Subdivision (b) shall not apply to the possession of
40 an assault weapon *as defined in Section 12276* by any



1 person during the 1990 calendar year, ~~or~~ during the
2 90-day period immediately after the date it was specified
3 as an assault weapon *pursuant to Section 12276.5, or*
4 *during the one-year period after the date it was defined*
5 *as an assault weapon pursuant to Section 12276.1, if all of*
6 the following are applicable:

7 (1) The person is eligible under this chapter to register
8 the particular assault weapon.

9 (2) The person lawfully possessed the particular
10 assault weapon described in paragraph (1) prior to June
11 1, 1989, ~~or prior to the date it was~~ *if the weapon is specified*
12 *as an assault weapon pursuant to Section 12276, or prior*
13 *to the date it was specified as an assault weapon pursuant*
14 *to Section 12276.5, or prior to the date it was defined as an*
15 *assault weapon pursuant to Section 12276.1.*

16 (3) The person is otherwise in compliance with this
17 chapter.

18 ~~(f)~~

19 (h) Subdivisions (a) and (b) shall not apply to the
20 manufacture by persons who are issued permits pursuant
21 to Section 12287 of assault weapons for sale to the
22 following:

23 (1) Exempt entities listed in subdivision ~~(d)~~ (f).

24 (2) Entities and persons who have been issued permits
25 pursuant to Section 12286.

26 (3) Entities outside the state who have, in effect, a
27 federal firearms dealer's license solely for the purpose of
28 distribution to an entity listed in paragraphs (4) to (6),
29 inclusive.

30 (4) Federal military and law enforcement agencies.

31 (5) Law enforcement and military agencies of other
32 states.

33 (6) Foreign governments and agencies approved by
34 the United States State Department.

35 ~~(g)~~

36 (i) Subdivision (a) shall not apply to a person who is
37 the executor or administrator of an estate that includes an
38 assault weapon registered under Section 12285 which is
39 disposed of as authorized by the probate court, if the
40 disposition is otherwise permitted by this chapter.



1 ~~(h)~~

2 (j) Subdivision (b) shall not apply to a person who is
3 the executor or administrator of an estate that includes an
4 assault weapon registered under Section 12285, if the
5 assault weapon is possessed at a place set forth in
6 paragraph (1) of subdivision (c) of Section 12285 or as
7 authorized by the probate court.

8 ~~(i)~~

9 (k) Subdivision (a) shall not apply to:

10 (1) A person who lawfully possesses and has registered
11 an assault weapon pursuant to this chapter who lends that
12 assault weapon to another if all the following apply:

13 (A) The person to whom the assault weapon is lent is
14 18 years of age or over and is not in a class of persons
15 prohibited from possessing firearms by virtue of Section
16 12021 or 12021.1 of this code or Section 8100 or 8103 of the
17 Welfare and Institutions Code.

18 (B) The person to whom the assault weapon is lent
19 remains in the presence of the registered possessor of the
20 assault weapon.

21 (C) The assault weapon is possessed at any of the
22 following locations:

23 (i) While on a target range that holds a regulatory or
24 business license for the purpose of practicing shooting at
25 that target range.

26 (ii) While on the premises of a target range of a public
27 or private club or organization organized for the purpose
28 of practicing shooting at targets.

29 (iii) While attending any exhibition, display, or
30 educational project that is about firearms and that is
31 sponsored by, conducted under the auspices of, or
32 approved by a law enforcement agency or a nationally or
33 state recognized entity that fosters proficiency in, or
34 promotes education about, firearms.

35 (2) The return of an assault weapon to the registered
36 possessor which is lent by the same pursuant to paragraph
37 (1).

38 ~~(j)~~



1 (l) Subdivision (b) shall not apply to the possession of
2 an assault weapon by a person to whom an assault weapon
3 is lent pursuant to subdivision (i).

4 ~~(k)~~

5 (m) Subdivisions (a) and (b) shall not apply to the
6 possession and importation of an assault weapon into this
7 state by a nonresident if all of the following conditions are
8 met:

9 (1) The person is attending or going directly to or
10 coming directly from an organized competitive match or
11 league competition that involves the use of an assault
12 weapon.

13 (2) The competition or match is conducted on the
14 premises of one of the following:

15 (i) A target range that holds a regulatory or business
16 license for the purpose of practicing shooting at that
17 target range.

18 (ii) A target range of a public or private club or
19 organization that is organized for the purpose of
20 practicing shooting at targets.

21 (3) The match or competition is sponsored by,
22 conducted under the auspices of, or approved by, a law
23 enforcement agency or a nationally or state recognized
24 entity that fosters proficiency in, or promotes education
25 about, firearms.

26 (4) The assault weapon is transported in accordance
27 with Section 12026.1 or 12026.2.

28 (5) The person is 18 years of age or over and is not in
29 a class of persons prohibited from possessing firearms by
30 virtue of Section 12021 or 12021.1 of this code or Section
31 8100 or 8103 of the Welfare and Institutions Code.

32 ~~(t)~~

33 (n) As used in this chapter, the date a firearm is
34 ~~“specified as an assault weapon”~~ *weapon* is the earliest of
35 the following:

36 (1) The effective date of an amendment to Section
37 12276 that adds the designation of the specified firearm.

38 (2) The effective date of the list promulgated pursuant
39 to Section 12276.5 that adds or changes the designation of
40 the specified firearm.



1 (3) *The operative date of Section 12276.1, as specified*
2 *in subdivision (b) of that section.*

3 SEC. 6. Section 12285 of the Penal Code is amended
4 to read:

5 12285. (a) Any person who lawfully possesses an
6 assault weapon, as defined in Section 12276, prior to June
7 1, 1989, shall register the firearm by January 1, 1991, and
8 any person who lawfully possessed an assault weapon
9 prior to the date it was specified as an assault weapon
10 pursuant to Section 12276.5 shall register the firearm
11 within 90 days, with the Department of Justice pursuant
12 to those procedures that the department may establish.
13 *Except as provided in subdivision (d) of Section 12280,*
14 *any person who lawfully possessed an assault weapon*
15 *prior to the date it was defined as an assault weapon*
16 *pursuant to Section 12276.1, and which was not specified*
17 *as an assault weapon under Section 12276 or 12276.5, shall*
18 *register the firearm within one year of the effective date*
19 *of Section 12276.1, with the department pursuant to those*
20 *procedures that the department may establish. The*
21 registration shall contain a description of the firearm that
22 identifies it uniquely, including all identification marks,
23 the full name, address, date of birth, and thumbprint of
24 the owner, and any other information that the
25 department may deem appropriate. The department
26 may charge a fee for registration of up to twenty dollars
27 (\$20) per person but not to exceed the actual processing
28 costs of the department. After the department establishes
29 fees sufficient to reimburse the department for
30 processing costs, fees charged shall increase at a rate not
31 to exceed the legislatively approved annual cost-of-living
32 adjustment for the department's budget or as otherwise
33 increased through the Budget Act.

34 (b) (1) Except as provided in paragraph (2), no
35 assault weapon possessed pursuant to this section may be
36 sold or transferred on or after January 1, 1990, to anyone
37 within this state other than to a licensed gun dealer, as
38 defined in subdivision (c) of Section 12290, or as provided
39 in Section 12288. Any person who (A) obtains title to an
40 assault weapon registered under this section by bequest



1 or intestate succession, or (B) lawfully possessed a
2 firearm subsequently declared to be an assault weapon
3 pursuant to Section 12276.5, *or subsequently defined as an*
4 *assault weapon pursuant to Section 12276.1*, shall, within
5 90 days, render the weapon permanently inoperable, sell
6 the weapon to a licensed gun dealer, obtain a permit from
7 the Department of Justice in the same manner as
8 specified in Article 3 (commencing with Section 12230)
9 of Chapter 2, or remove the weapon from this state. A
10 person who lawfully possessed a firearm that was
11 subsequently declared to be an assault weapon pursuant
12 to Section 12276.5 may alternatively register the firearm
13 within 90 days of the declaration issued pursuant to
14 subdivision (f) of Section 12276.5.

15 (2) A person moving into this state, otherwise in lawful
16 possession of an assault weapon, shall do one of the
17 following:

18 (A) Prior to bringing the assault weapon into this state,
19 that person shall first obtain a permit from the
20 Department of Justice in the same manner as specified in
21 Article 3 (commencing with Section 12230) of Chapter 2.

22 (B) The person shall cause the assault weapon to be
23 delivered to a licensed gun dealer, as defined in
24 subdivision (c) of Section 12290, in this state in
25 accordance with Chapter 44 (commencing with Section
26 921) of Title 18 of the United States Code and the
27 regulations issued pursuant thereto. If the person obtains
28 a permit from the Department of Justice in the same
29 manner as specified in Article 3 (commencing with
30 Section 12230) of Chapter 2, the dealer shall redeliver
31 that assault weapon to the person. If the licensed gun
32 dealer, as defined in subdivision (c) of Section 12290, is
33 prohibited from delivering the assault weapon to a person
34 pursuant to this paragraph, the dealer shall possess or
35 dispose of the assault weapon as allowed by this chapter.

36 (c) A person who has registered an assault weapon
37 under this section may possess it only under any of the
38 following conditions unless a permit allowing additional
39 uses is first obtained under Section 12286:



1 (1) At that person's residence, place of business, or
2 other property owned by that person, or on property
3 owned by another with the owner's express permission.

4 (2) While on the premises of a target range of a public
5 or private club or organization organized for the purpose
6 of practicing shooting at targets.

7 (3) While on a target range that holds a regulatory or
8 business license for the purpose of practicing shooting at
9 that target range.

10 (4) While on the premises of a shooting club which is
11 licensed pursuant to the Fish and Game Code.

12 (5) While attending any exhibition, display, or
13 educational project which is about firearms and which is
14 sponsored by, conducted under the auspices of, or
15 approved by a law enforcement agency or a nationally or
16 state recognized entity that fosters proficiency in, or
17 promotes education about, firearms.

18 (6) While on publicly owned land if the possession and
19 use of a firearm described in Section 12276 is specifically
20 permitted by the managing agency of the land.

21 (7) While transporting the assault weapon between
22 any of the places mentioned in this subdivision, or to any
23 licensed gun dealer, as defined in subdivision (c) of
24 Section 12290, for servicing or repair pursuant to
25 subdivision (b) of Section 12290, if the assault weapon is
26 transported as required by Section 12026.1.

27 (d) No person who is under the age of 18 years, no
28 person who is prohibited from possessing a firearm by
29 Section 12021 or 12021.1, and no person described in
30 Section 8100 or 8103 of the Welfare and Institutions Code
31 may register or possess an assault weapon.

32 (e) The department's registration procedures shall
33 provide the option of joint registration for assault
34 weapons owned by family members residing in the same
35 household.

36 (f) For 90 days following January 1, 1992, a forgiveness
37 period shall exist to allow persons specified in subdivision
38 (b) of Section 12280 to register with the Department of
39 Justice assault weapons that they lawfully possessed prior
40 to June 1, 1989.



1 (g) Any person who registers his or her assault weapon
2 during the 90-day forgiveness period described in
3 subdivision (f), and any person whose registration form
4 was received by the Department of Justice after January
5 1, 1991, and who was issued a temporary registration prior
6 to the end of the forgiveness period, shall not be charged
7 with a violation of subdivision (b) of Section 12280, if law
8 enforcement becomes aware of that violation only as a
9 result of the registration of the assault weapon. This
10 subdivision shall have no effect upon persons charged
11 with a violation of subdivision (b) of Section 12280 of the
12 Penal Code prior to January 1, 1992, provided that law
13 enforcement was aware of the violation before the
14 weapon was registered.

15 SEC. 7. Section 12289 of the Penal Code is amended
16 to read:

17 12289. (a) The Department of Justice shall conduct a
18 public education and notification program regarding the
19 registration of assault weapons, ~~including~~ *and the*
20 *definition of the weapons set forth in Section 12276.1. The*
21 *public education and notification program shall include*
22 outreach to local law enforcement agencies and
23 utilization of public service announcements in a variety
24 of media approaches, to ensure maximum publicity of the
25 limited forgiveness period of the registration
26 requirement specified in subdivision (f) of Section 12285
27 and the consequences of nonregistration. The
28 department shall develop posters describing gunowners'
29 responsibilities under this chapter which shall be posted
30 in a conspicuous place in every licensed gun store in the
31 state during the forgiveness period.

32 (b) Any costs incurred by the Department of Justice
33 to implement this section which cannot be absorbed by
34 the department shall be funded from the Dealers' Record
35 of Sale Special Account, as set forth in subdivision (d) of
36 Section 12076, upon appropriation by the Legislature.

37 SEC. 8. If any phrase, clause, sentence, section, or
38 provision of this act or application thereof is held invalid
39 as to any person or circumstance, such invalidity shall not
40 affect any other phrase, clause, sentence, section,



1 provision, or application of this act, that can be given
2 effect without the invalid phrase, clause, sentence,
3 section, provision, or application and to this end the
4 provisions of the act are declared to be severable.

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

15 Notwithstanding Section 17580 of the Government
16 Code, unless otherwise specified, the provisions of this act
17 shall become operative on the same date that the act
18 takes effect pursuant to the California Constitution.

19 _____

20 CORRECTIONS

21 **Heading — Authors — Line 1.**

22 _____

23

