

AMENDED IN SENATE MARCH 16, 1999

SENATE BILL

No. 23

Introduced by Senators Perata, Alpert, Bowen, and Ortiz

(Principal coauthor: Assembly Member Scott)

(Coauthor: Senator O'Connell)

(Coauthors: Assembly Members Alquist, *Dutra*, Gallegos, *Keeley*, *Knox*, *Kuehl*, *Machado*, *Mazzoni*, ~~*Nakano*~~, ~~*Scott*~~, *Migden*, *Shelley*, *Steinberg*, ~~*Torlakson*~~, ~~and *Thomson*~~, ~~*Washington*~~ *Washington*, and *Wildman*)

December 7, 1998

An act to amend Sections 245, 12001, 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 amended, 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~~ a longer term of imprisonment on any person convicted of assault with a deadly weapon, and for ~~enhanced terms of imprisonment for a person convicted of a felony,~~ *who if that person* 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. *These expanded definitions would specifically apply to the above-mentioned increased term and enhancement provisions and to related provisions.* By expanding the definition of a crime, this bill would impose a state-mandated local program.

~~(4)~~

(3) 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)~~ (2). 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)~~ (2), 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)~~

(4) 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)~~ (2) above, to register the weapon within one year of the effective date of that provision.

~~(6)~~

(5) 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)~~ (2) above.

(6) The bill would state legislative intent.

(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 245 of the Penal Code is*
2 *amended to read:*

3 245. (a) (1) Any person who commits an assault
4 upon the person of another with a deadly weapon or
5 instrument other than a firearm or by any means of force
6 likely to produce great bodily injury shall be punished by
7 imprisonment in the state prison for two, three, or four
8 years, or in a county jail for not exceeding one year, or by
9 a fine not exceeding ten thousand dollars (\$10,000), or by
10 both the fine and imprisonment.

11 (2) Any person who commits an assault upon the
12 person of another with a firearm shall be punished by
13 imprisonment in the state prison for two, three, or four
14 years, or in a county jail for not less than six months and
15 not exceeding one year, or by both a fine not exceeding
16 ten thousand dollars (\$10,000) and imprisonment.

17 (3) Any person who commits an assault upon the
18 person of another with a machinegun, as defined in
19 Section 12200, or an assault weapon, as defined in Section
20 12276 *or 12276.1*, shall be punished by imprisonment in
21 the state prison for 4, 8, or 12 years.

22 (b) Any person who commits an assault upon the
23 person of another with a semiautomatic firearm shall be
24 punished by imprisonment in the state prison for three,
25 six, or nine years.

26 (c) Any person who commits an assault with a deadly
27 weapon or instrument, other than a firearm, or by any
28 means likely to produce great bodily injury upon the
29 person of a peace officer or firefighter, and who knows or
30 reasonably should know that the victim is a peace officer
31 or firefighter engaged in the performance of his or her
32 duties, when the peace officer or firefighter is engaged in
33 the performance of his or her duties, shall be punished by



1 imprisonment in the state prison for three, four, or five
2 years.

3 (d) (1) Any person who commits an assault with a
4 firearm upon the person of a peace officer or firefighter,
5 and who knows or reasonably should know that the victim
6 is a peace officer or firefighter engaged in the
7 performance of his or her duties, when the peace officer
8 or firefighter is engaged in the performance of his or her
9 duties, shall be punished by imprisonment in the state
10 prison for four, six, or eight years.

11 (2) Any person who commits an assault upon the
12 person of a peace officer or firefighter with a
13 semiautomatic firearm and who knows or reasonably
14 should know that the victim is a peace officer or
15 firefighter engaged in the performance of his or her
16 duties, when the peace officer or firefighter is engaged in
17 the performance of his or her duties, shall be punished by
18 imprisonment in the state prison for five, seven, or nine
19 years.

20 (3) Any person who commits an assault with a
21 machinegun, as defined in Section 12200, or an assault
22 weapon, as defined in Section 12276 *or* 12276.1, upon the
23 person of a peace officer or firefighter, and who knows or
24 reasonably should know that the victim is a peace officer
25 or firefighter engaged in the performance of his or her
26 duties, shall be punished by imprisonment in the state
27 prison for 6, 9, or 12 years.

28 (e) When a person is convicted of a violation of this
29 section in a case involving use of a deadly weapon or
30 instrument or firearm, and the weapon or instrument or
31 firearm is owned by that person, the court shall order that
32 the weapon or instrument or firearm be deemed a
33 nuisance, and it shall be confiscated and disposed of in the
34 manner provided by Section 12028.

35 (f) As used in this section, “peace officer” refers to any
36 person designated as a peace officer in Chapter 4.5
37 (commencing with Section 830) of Title 3 of Part 2.

38 *SEC. 2. Section 12001 of the Penal Code is amended*
39 *to read:*



1 12001. (a) As used in this title, the terms “pistol,”
2 “revolver,” and “firearm capable of being concealed
3 upon the person” shall apply to and include any device
4 designed to be used as a weapon, from which is expelled
5 a projectile by the force of any explosion, or other form
6 of combustion, and~~which~~ *that* has a barrel less than 16
7 inches in length. These terms also include any device
8 ~~which~~ *that* has a barrel 16 inches or more in length which
9 is designed to be interchanged with a barrel less than 16
10 inches in length.

11 (b) As used in this title, “firearm” means any device,
12 designed to be used as a weapon, from which is expelled
13 through a barrel a projectile by the force of any explosion
14 or other form of combustion.

15 (c) As used in Sections 12021, 12021.1, 12070, 12071,
16 12072, 12073, 12078, and 12101 of this code, and Sections
17 8100, 8101, and 8103 of the Welfare and Institutions Code,
18 the term “firearm” includes the frame or receiver of the
19 weapon.

20 (d) For the purposes of Sections 12025 and 12031, the
21 term “firearm” also shall include any rocket, rocket
22 propelled projectile launcher, or similar device
23 containing any explosive or incendiary material whether
24 or not the device is designed for emergency or distress
25 signaling purposes.

26 (e) For purposes of Sections 12070, 12071, and
27 paragraph (7) of subdivision (a), and subdivisions (b),
28 (c), (d), and (f) of Section 12072, the term “firearm” does
29 not include an unloaded firearm~~which~~ *that* is defined as
30 an “antique firearm” in Section 921(a)(16) of Title 18 of
31 the United States Code.

32 (f) Nothing shall prevent a device defined as a
33 “pistol,” “revolver,” or “firearm capable of being
34 concealed upon the person” from also being found to be
35 a short-barreled shotgun or a short-barreled rifle, as
36 defined in Section 12020.

37 (g) For purposes of Sections 12551 and 12552, the term
38 “BB device” means any instrument ~~which~~ *that* expels a
39 metallic projectile, such as a BB or a pellet, through the



1 force of air pressure, CO₂ pressure, or spring action, or
2 any spot marker gun.

3 (h) As used in this title, “wholesaler” means any
4 person who is licensed as a dealer pursuant to Chapter 44
5 (commencing with Section 921) of Title 18 of the United
6 States Code and the regulations issued pursuant thereto
7 who sells, transfers, or assigns firearms, or parts of
8 firearms, to persons who are licensed as manufacturers,
9 importers, or gunsmiths pursuant to Chapter 44
10 (commencing with Section 921) of Title 18 of the United
11 States Code, or persons licensed pursuant to Section
12 12071, and includes persons who receive finished parts of
13 firearms and assemble them into completed or partially
14 completed firearms in furtherance of that purpose.

15 “Wholesaler” shall not include a manufacturer,
16 importer, or gunsmith who is licensed to engage in those
17 activities pursuant to Chapter 44 (commencing with
18 Section 921) of Title 18 of the United States Code or a
19 person licensed pursuant to Section 12071 and the
20 regulations issued pursuant thereto. A wholesaler also
21 does not include those persons dealing exclusively in
22 grips, stocks, and other parts of firearms that are not
23 frames or receivers thereof.

24 (i) As used in Section 12071, 12072, or 12084,
25 “application to purchase” means any of the following:

26 (1) The initial completion of the register by the
27 purchaser, transferee, or person being loaned the firearm
28 as required by subdivision (b) of Section 12076.

29 (2) The initial completion of the LEFT by the
30 purchaser, transferee, or person being loaned the firearm
31 as required by subdivision (d) of Section 12084.

32 (3) The initial completion and transmission to the
33 department of the record of electronic or telephonic
34 transfer by the dealer on the purchaser, transferee, or
35 person being loaned the firearm as required by
36 subdivision (c) of Section 12076.

37 (j) For purposes of Section 12023, a firearm shall be
38 deemed to be “loaded” whenever both the firearm and
39 the unexpended ammunition capable of being



1 discharged from the firearm are in the immediate
2 possession of the same person.

3 (k) For purposes of Sections 12021, 12021.1, 12025,
4 12070, 12072, 12073, 12078, and 12101 of this code, and
5 Sections 8100, 8101, and 8103 of the Welfare and
6 Institutions Code, notwithstanding the fact that the term
7 “any firearm” may be used in those sections, each firearm
8 or the frame or receiver of the same shall constitute a
9 distinct and separate offense under those sections.

10 (l) For purposes of Section 12020, a violation of that
11 section as to each firearm, weapon, or device enumerated
12 therein shall constitute a distinct and separate offense.

13 (m) Each application that requires any firearms
14 eligibility determination involving the issuance of any
15 license, permit, or certificate pursuant to this title shall
16 include two copies of the applicant’s fingerprints on
17 forms prescribed by the Department of Justice. One copy
18 of the fingerprints may be submitted to the United States
19 Federal Bureau of Investigation.

20 (n) As used in this chapter, a “personal handgun
21 importer” means an individual who meets all of the
22 following criteria:

23 (1) He or she is not a person licensed pursuant to
24 Section 12071.

25 (2) He or she is not a licensed manufacturer of
26 firearms pursuant to Chapter 44 (commencing with
27 Section 921) of Title 18 of the United States Code.

28 (3) He or she is not a licensed importer of firearms
29 pursuant to Chapter 44 (commencing with Section 921)
30 of Title 18 of the United States Code and the regulations
31 issued pursuant thereto.

32 (4) He or she is the owner of a pistol, revolver, or other
33 firearm capable of being concealed upon the person.

34 (5) He or she acquired that pistol, revolver, or other
35 firearm capable of being concealed upon the person
36 outside of California.

37 (6) He or she moves into this state on or after January
38 1, 1998, as a resident of this state.



1 (7) He or she intends to possess that pistol, revolver, or
2 other firearm capable of being concealed upon the
3 person within this state on or after January 1, 1998.

4 (8) The pistol, revolver, or other firearm capable of
5 being concealed upon the person was not delivered to
6 him or her by a person licensed pursuant to Section 12071
7 who delivered that firearm following the procedures set
8 forth in Section 12071 and subdivision (c) of Section
9 12072.

10 (9) He or she, while a resident of this state, had not
11 previously reported his or her ownership of that pistol,
12 revolver, or other firearm capable of being concealed
13 upon the person to the Department of Justice in a manner
14 prescribed by the department that included information
15 concerning him or her and a description of the firearm.

16 (10) The pistol, revolver, or other firearm capable of
17 being concealed upon the person is not a firearm that is
18 prohibited by subdivision (a) of Section 12020.

19 (11) The pistol, revolver, or other firearm capable of
20 being concealed upon the person is not an assault
21 weapon, as defined in Section 12276 or 12276.1.

22 (12) The pistol, revolver, or other firearm capable of
23 being concealed upon the person is not a machinegun, as
24 defined in Section 12200.

25 (13) The person is 18 years of age or older.

26 (o) For purposes of paragraph (6) of subdivision (n):

27 (1) Except as provided in paragraph (2), residency
28 shall be determined in the same manner as is the case for
29 establishing residency pursuant to Section 12505 of the
30 Vehicle Code.

31 (2) In the case of members of the armed forces of the
32 United States, residency shall be deemed to be
33 established when he or she was discharged from active
34 service in this state.

35 *SEC. 3.* Section 12020 of the Penal Code is amended
36 to read:

37 12020. (a) Any person in this state who does any of
38 the following is punishable by imprisonment in a county
39 jail not exceeding one year or in the state prison:



1 (1) Manufactures or causes to be manufactured,
2 imports into the state, keeps for sale, or offers or exposes
3 for sale, or who gives, lends, or possesses any cane gun or
4 wallet gun, any undetectable firearm, any firearm which
5 is not immediately recognizable as a firearm, any
6 camouflaging firearm container, any ammunition which
7 contains or consists of any fléchette dart, any bullet
8 containing or carrying an explosive agent, any ballistic
9 knife, any multiburst trigger activator, any nunchaku,
10 any short-barreled shotgun, any short-barreled rifle, any
11 metal knuckles, any belt buckle knife, any leaded cane,
12 any zip gun, any shuriken, any unconventional pistol, any
13 lipstick case knife, any cane sword, any shobi-zue, any air
14 gauge knife, any writing pen knife, any metal military
15 practice handgrenade or metal replica handgrenade, or
16 any instrument or weapon of the kind commonly known
17 as a blackjack, slungshot, billy, sandclub, sap, or sandbag.

18 (2) Commencing January 1, 2000, manufactures or
19 causes to be manufactured, imports into the state, keeps
20 for sale, or offers or exposes for sale, or who gives, or lends,
21 *except to any licensed dealer or gunsmith for the*
22 *purposes of maintenance, repair, or modification,* any
23 *detachable* large-capacity magazine.

24 (3) Carries concealed upon his or her person any
25 explosive substance, other than fixed ammunition.

26 (4) Carries concealed upon his or her person any dirk
27 or dagger. ~~However~~

28 *However,* a first offense involving any metal military
29 practice handgrenade or metal replica handgrenade shall
30 be punishable only as an infraction unless the offender is
31 an active participant in a criminal street gang as defined
32 in the Street Terrorism and Enforcement and Prevention
33 Act (Chapter 11 (commencing with Section 186.29) of
34 Title 7 of Part 1). A bullet containing or carrying an
35 explosive agent is not a destructive device as that term is
36 used in Section 12301.

37 (b) Subdivision (a) does not apply to any of the
38 following:

39 (1) The sale to, purchase by, or possession of
40 short-barreled shotguns or short-barreled rifles by police



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

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

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

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

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

34 (6) Tracer ammunition manufactured for use in
35 shotguns.

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



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

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

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

39 (10) Instruments or devices, other than short-barreled
40 shotguns or short-barreled rifles, that are possessed or



1 utilized during the course of a motion picture, television,
2 or video production or entertainment event by an
3 authorized participant therein in the course of making
4 that production or event or by an authorized employee
5 or agent of the entity producing that production or event.

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

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

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

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



1 (15) Any plastic toy handgrenade, or any metal
2 military practice handgrenade or metal replica
3 handgrenade that is a relic, curio, memorabilia, or display
4 item, that is filled with a permanent inert substance or
5 that is otherwise permanently altered in a manner that
6 prevents ready modification for use as a grenade.

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

10 (A) The person is not prohibited from possessing
11 firearms or ammunition pursuant to Section 12021 or
12 12021.1 or paragraph (1) of subdivision (b) of Section
13 12316 of this code or Section 8100 or 8103 of the Welfare
14 and Institutions Code.

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

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

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

26 (A) The person is not prohibited from possessing
27 firearms or ammunition pursuant to Section 12021 or
28 12021.1 or paragraph (1) of subdivision (b) of Section
29 12316 of this code or Section 8100 or 8103 of the Welfare
30 and Institutions Code.

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

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

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



1 transporting the firearm to that law enforcement agency
2 for disposition according to law.

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

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

9 (19) *The sale to, or purchase of, any large-capacity*
10 *ammunition feeding device by, any federal, state, county,*
11 *city and county, or city agency that is charged with the*
12 *enforcement of any law for use in the discharge of their*
13 *official duties when on duty and the use is authorized by*
14 *the agency and is within the course and scope of their*
15 *duties.*

16 (20) *The sale to, or purchase of any large-capacity*
17 *ammunition feeding device by, a licensed gun dealer.*

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

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

23 (B) A firearm which has an overall length of less than
24 26 inches and which is designed or redesigned to fire a
25 fixed shotgun shell.

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

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

33 (E) Any part, or combination of parts, designed and
34 intended to convert a device into a device defined in
35 subparagraphs (A) to (C), inclusive, or any combination
36 of parts from which a device defined in subparagraphs
37 (A) to (C), inclusive, can be readily assembled if those
38 parts are in the possession or under the control of the
39 same person.



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

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

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

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

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

13 (E) Any part, or combination of parts, designed and
14 intended to convert a device into a device defined in
15 subparagraphs (A) to (C), inclusive, or any combination
16 of parts from which a device defined in subparagraphs
17 (A) to (C), inclusive, may be readily assembled if those
18 parts are in the possession or under the control of the
19 same person.

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

26 (4) As used in this section, a “wallet gun” means any
27 firearm mounted or enclosed in a case, resembling a
28 wallet, designed to be or capable of being carried in a
29 pocket or purse, if the firearm may be fired while
30 mounted or enclosed in the case.

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

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



1 (7) As used in this section, “metal knuckles” means
2 any device or instrument made wholly or partially of
3 metal which is worn for purposes of offense or defense in
4 or on the hand and which either protects the wearer’s
5 hand while striking a blow or increases the force of impact
6 from the blow or injury to the individual receiving the
7 blow. The metal contained in the device may help
8 support the hand or fist, provide a shield to protect it, or
9 consist of projections or studs which would contact the
10 individual receiving a blow.

11 (8) As used in this section, a “ballistic knife” means a
12 device that propels a knifelike blade as a projectile by
13 means of a coil spring, elastic material, or compressed gas.
14 Ballistic knife does not include any device which propels
15 an arrow or a bolt by means of any common bow,
16 compound bow, crossbow, or underwater spear gun.

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

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

21 (B) It is designed and intended to allow the firing of
22 the enclosed firearm by external controls while the
23 firearm is in the container.

24 (C) It is not readily recognizable as containing a
25 firearm.

26 “Camouflaging firearm container” does not include
27 any camouflaging covering used while engaged in lawful
28 hunting or while going to or returning from a lawful
29 hunting expedition.

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

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

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



1 (C) No tax was paid on the weapon or device nor was
2 an exemption from paying tax on that weapon or device
3 granted under Section 4181 and subchapters F
4 (commencing with Section 4216) and G (commencing
5 with Section 4221) of Chapter 32 of Title 26 of the United
6 States Code, as amended, and the regulations issued
7 pursuant thereto.

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

10 (11) As used in this section, a “shuriken” means any
11 instrument, without handles, consisting of a metal plate
12 having three or more radiating points with one or more
13 sharp edges and designed in the shape of a polygon,
14 trefoil, cross, star, diamond, or other geometric shape for
15 use as a weapon for throwing.

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

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

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

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

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

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

37 (18) As used in this section, an “air gauge knife” means
38 a device that appears to be an air gauge but has concealed
39 within it a pointed, metallic shaft that is designed to be a



1 stabbing instrument which is exposed by mechanical
2 action or gravity which locks into place when extended.

3 (19) As used in this section, a “writing pen knife”
4 means a device that appears to be a writing pen but has
5 concealed within it a pointed, metallic shaft that is
6 designed to be a stabbing instrument which is exposed by
7 mechanical action or gravity which locks into place when
8 extended or the pointed, metallic shaft is exposed by the
9 removal of the cap or cover on the device.

10 (20) As used in this section, a “rifle” means a weapon
11 designed or redesigned, made or remade, and intended
12 to be fired from the shoulder and designed or redesigned
13 and made or remade to use the energy of the explosive in
14 a fixed cartridge to fire only a single projectile through a
15 rifled bore for each single pull of the trigger.

16 (21) As used in this section, a “shotgun” means a
17 weapon designed or redesigned, made or remade, and
18 intended to be fired from the shoulder and designed or
19 redesigned and made or remade to use the energy of the
20 explosive in a fixed shotgun shell to fire through a smooth
21 bore either a number of projectiles (ball shot) or a single
22 projectile for each pull of the trigger.

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

26 (A) When, after removal of grips, stocks, and
27 magazines, it is not as detectable as the Security
28 Exemplar, by walk-through metal detectors calibrated
29 and operated to detect the Security Exemplar.

30 (B) When any major component of which, when
31 subjected to inspection by the types of X-ray machines
32 commonly used at airports, does not generate an image
33 that accurately depicts the shape of the component.
34 Barium sulfate or other compounds may be used in the
35 fabrication of the component.

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



1 All firearm detection equipment newly installed in
2 nonfederal public buildings in this state shall be of a type
3 identified by either the United States Attorney General,
4 the Secretary of Transportation, or the Secretary of the
5 Treasury, as appropriate, as available state-of-the-art
6 equipment capable of detecting an undetectable firearm,
7 as defined, while distinguishing innocuous metal objects
8 likely to be carried on one's person sufficient for
9 reasonable passage of the public.

10 (23) As used in this section, a "multiburst trigger
11 activator" means one of the following devices:

12 (A) A device designed or redesigned to be attached
13 to a semiautomatic firearm which allows the firearm to
14 discharge two or more shots in a burst by activating the
15 device.

16 (B) A manual or power-driven trigger activating
17 device constructed and designed so that when attached
18 to a semiautomatic firearm it increases the rate of fire of
19 that firearm.

20 (24) As used in this section, a "dirk" or "dagger" means
21 a knife or other instrument with or without a handguard
22 that is capable of ready use as a stabbing weapon that may
23 inflict great bodily injury or death. A nonlocking folding
24 knife, a folding knife that is not prohibited by Section
25 653k, or a pocketknife is capable of ready use as a stabbing
26 weapon that may inflict great bodily injury or death only
27 if the blade of the knife is exposed and locked into
28 position.

29 (25) As used in this section, "large-capacity magazine"
30 means any *detachable* ammunition feeding device with
31 the capacity to accept more than 10 rounds, but shall not
32 be construed to include a feeding device that has been
33 permanently altered so that it cannot accommodate more
34 than 10 rounds *nor shall it include any .22 caliber tube*
35 *ammunition feeding device.*

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

39 ~~SEC. 2. Section 12022 of the Penal Code is amended~~
40 ~~to read:~~



1 ~~12022. (a) (1) Except as provided in subdivisions (e)~~
2 ~~and (d), any person who is armed with a firearm 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 punishment prescribed~~
6 ~~for the felony or attempted felony of which he or she has~~
7 ~~been convicted, be punished by an additional term of one~~
8 ~~year, unless the arming is an element of the offense of~~
9 ~~which he or she was convicted. This additional term shall~~
10 ~~apply to any person who is a principal in the commission~~
11 ~~or attempted commission of a felony if one or more of the~~
12 ~~principals is armed with a firearm, whether or not the~~
13 ~~person is personally armed with a firearm.~~

14 ~~(2) Except as provided in subdivision (c), and~~
15 ~~notwithstanding subdivision (d), if the firearm is an~~
16 ~~assault weapon, as defined in Section 12276, a~~
17 ~~large-capacity firearm, as defined in subdivision (g), or a~~
18 ~~machinegun, as defined in Section 12200, the additional~~
19 ~~term described in this subdivision shall be three years~~
20 ~~whether or not the arming is an element of the offense of~~
21 ~~which he or she was convicted. The additional term~~
22 ~~provided in this paragraph shall apply to any person who~~
23 ~~is a principal in the commission or attempted commission~~
24 ~~of a felony if one or more of the principals is armed with~~
25 ~~an assault weapon, large-capacity firearm, as defined in~~
26 ~~subdivision (g), or machinegun whether or not the~~
27 ~~person is personally armed with an assault weapon,~~
28 ~~large-capacity firearm, as defined in subdivision (g), or~~
29 ~~machinegun.~~

30 ~~(b) (1) Any person who personally uses a deadly or~~
31 ~~dangerous weapon in the commission or attempted~~
32 ~~commission of a felony shall, upon conviction of that~~
33 ~~felony or attempted felony, in addition and consecutive~~
34 ~~to the punishment prescribed for the felony or attempted~~
35 ~~felony of which he or she has been convicted, be punished~~
36 ~~by an additional term of one year, unless use of a deadly~~
37 ~~or dangerous weapon is an element of the offense of~~
38 ~~which he or she was convicted.~~



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

4 ~~(3) When a person is found to have personally used a~~
5 ~~deadly or dangerous weapon in the commission or~~
6 ~~attempted commission of a felony as provided in this~~
7 ~~subdivision and the weapon is owned by that person, the~~
8 ~~court shall order that the weapon be deemed a nuisance~~
9 ~~and disposed of in the manner provided in Section 12028.~~

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

25 ~~(d) Notwithstanding the enhancement set forth in~~
26 ~~subdivision (a), any person who is not personally armed~~
27 ~~with a firearm who, knowing that another principal is~~
28 ~~personally armed with a firearm, is a principal in the~~
29 ~~commission or attempted commission of an offense~~
30 ~~specified in subdivision (e), shall, upon conviction of that~~
31 ~~offense, be punished by an additional term of one, two, or~~
32 ~~three years in the court's discretion. The court shall order~~
33 ~~the middle term unless there are circumstances in~~
34 ~~aggravation or mitigation. The court shall state the~~
35 ~~reasons for its enhancement choice on the record at the~~
36 ~~time of the sentence.~~

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



1 ~~(f) Notwithstanding any other provision of law, the~~
2 ~~court may strike the additional punishment for the~~
3 ~~enhancements provided in subdivision (c) or (d) in an~~
4 ~~unusual case where the interests of justice would best be~~
5 ~~served, if the court specifies on the record and enters into~~
6 ~~the minutes the circumstances indicating that the~~
7 ~~interests of justice would best be served by that~~
8 ~~disposition.~~

9 ~~(g) As used in this section, “large capacity firearm”~~
10 ~~means any of the following:~~

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

13 ~~(2) A semiautomatic pistol that has a magazine with~~
14 ~~the capacity to accept more than 10 rounds attached to it.~~

15 ~~(3) A semiautomatic shotgun that has the capacity to~~
16 ~~accept a detachable magazine.~~

17 ~~(h) As used in this section, the following definitions~~
18 ~~shall apply:~~

19 ~~(1) “Magazine” shall mean any ammunition feeding~~
20 ~~device.~~

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

26 ~~SEC. 3. Section 12022.5 of the Penal Code is amended~~
27 ~~to read:~~

28 ~~12022.5. (a) (1) Except as provided in subdivisions~~
29 ~~(b) and (c), any person who personally uses a firearm in~~
30 ~~the commission or attempted commission of a felony~~
31 ~~shall, upon conviction of that felony or attempted felony,~~
32 ~~in addition and consecutive to the punishment~~
33 ~~prescribed for the felony or attempted felony of which he~~
34 ~~or she has been convicted, be punished by an additional~~
35 ~~term of imprisonment in the state prison for 3, 4, or 10~~
36 ~~years, unless use of a firearm is an element of the offense~~
37 ~~of which he or she was convicted.~~

38 ~~(2) If the person described in paragraph (1) has been~~
39 ~~convicted of carjacking or attempted carjacking, the~~
40 ~~additional term shall be 4, 5, or 10 years. The court shall~~



1 order imposition of the middle term unless there are
2 circumstances in aggravation or mitigation. The court
3 shall state its reasons for its enhancement choice on the
4 record at the time of sentencing.

5 (b) (1) Notwithstanding subdivision (a), any person
6 who is convicted of a felony or an attempt to commit a
7 felony, including murder or attempted murder, in which
8 that person discharged a firearm at an occupied motor
9 vehicle which caused great bodily injury or death to the
10 person of another, shall, upon conviction of that felony or
11 attempted felony, in addition and consecutive to the
12 sentence prescribed for the felony or attempted felony,
13 be punished by an additional term of imprisonment in the
14 state prison for 5, 6, or 10 years.

15 (2) Notwithstanding subdivision (a), any person who
16 personally uses an assault weapon, as specified in Section
17 12276, large-capacity firearm, as defined in subdivision
18 (g), or a machinegun, as defined in Section 12200, in the
19 commission or attempted commission of a felony, shall,
20 upon conviction of that felony or attempted felony, in
21 addition and consecutive to the sentence prescribed for
22 the felony or attempted felony, be punished by an
23 additional term of imprisonment in the state prison for 5,
24 6, or 10 years.

25 (c) Notwithstanding the enhancement set forth in
26 subdivision (a), any person who personally uses a firearm
27 in the commission or attempted commission of a violation
28 of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378,
29 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety
30 Code, shall, upon conviction of that offense and in
31 addition and consecutive to the punishment prescribed
32 for the offense of which he or she has been convicted, be
33 punished by an additional term of imprisonment in the
34 state prison for 3, 4, or 10 years in the court's discretion.
35 The court shall order the imposition of the middle term
36 unless there are circumstances in aggravation or
37 mitigation. The court shall state the reasons for its
38 enhancement choice on the record.

39 (d) The additional term provided by this section may
40 be imposed in cases of assault with a firearm under



1 paragraph (2) of subdivision (a) of Section 245, or assault
2 with a deadly weapon which is a firearm under Section
3 245, or murder if the killing was perpetrated by means of
4 shooting a firearm from a motor vehicle, intentionally at
5 another person outside of the vehicle with the intent to
6 inflict great bodily injury or death.

7 (e) When a person is found to have personally used a
8 firearm, an assault weapon, or a machinegun in the
9 commission or attempted commission of a felony as
10 provided in this section and the firearm, assault weapon,
11 or machinegun is owned by that person, the court shall
12 order that the firearm be deemed a nuisance and
13 disposed of in the manner provided in Section 12028.

14 (f) For purposes of imposing an enhancement under
15 Section 1170.1, the enhancements under this section shall
16 count as one, single enhancement.

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

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

21 (2) A semiautomatic pistol that has a detachable
22 magazine with the capacity to accept more than 10
23 rounds attached to it.

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

26 (h) As used in this section, the following definitions
27 shall apply:

28 (1) “Magazine” shall mean any ammunition feeding
29 device.

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

35 **SEC. 4.**

36 *SEC. 4. Section 12022 of the Penal Code is amended*
37 *to read:*

38 12022. (a) (1) Except as provided in subdivisions (c)
39 and (d), any person who is armed with a firearm in the
40 commission or attempted commission of a felony shall,



1 upon conviction of that felony or attempted felony, in
2 addition and consecutive to the punishment prescribed
3 for the felony or attempted felony of which he or she has
4 been convicted, be punished by an additional term of one
5 year, unless the arming is an element of the offense of
6 which he or she was convicted. This additional term shall
7 apply to any person who is a principal in the commission
8 or attempted commission of a felony if one or more of the
9 principals is armed with a firearm, whether or not the
10 person is personally armed with a firearm.

11 (2) Except as provided in subdivision (c), and
12 notwithstanding subdivision (d), if the firearm is an
13 assault weapon, as defined in Section 12276 or Section
14 12276.1, or a machinegun, as defined in Section 12200, the
15 additional term described in this subdivision shall be
16 three years whether or not the arming is an element of
17 the offense of which he or she was convicted. The
18 additional term provided in this paragraph shall apply to
19 any person who is a principal in the commission or
20 attempted commission of a felony if one or more of the
21 principals is armed with an assault weapon or
22 machinegun whether or not the person is personally
23 armed with an assault weapon or machinegun.

24 (b) (1) Any person who personally uses a deadly or
25 dangerous weapon in the commission or attempted
26 commission of a felony shall, upon conviction of that
27 felony or attempted felony, in addition and consecutive
28 to the punishment prescribed for the felony or attempted
29 felony of which he or she has been convicted, be punished
30 by an additional term of one year, unless use of a deadly
31 or dangerous weapon is an element of the offense of
32 which he or she was convicted.

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

36 (3) When a person is found to have personally used a
37 deadly or dangerous weapon in the commission or
38 attempted commission of a felony as provided in this
39 subdivision and the weapon is owned by that person, the



1 court shall order that the weapon be deemed a nuisance
2 and disposed of in the manner provided in Section 12028.

3 (c) Notwithstanding the enhancement set forth in
4 subdivision (a), any person who is personally armed with
5 a firearm in the commission or attempted commission of
6 a violation of Section 11351, 11351.5, 11352, 11366.5,
7 11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the
8 Health and Safety Code, shall, upon conviction of that
9 offense and in addition and consecutive to the
10 punishment prescribed for that offense of which he or she
11 has been convicted, be punished by an additional term of
12 imprisonment in the state prison for three, four, or five
13 years in the court's discretion. The court shall order the
14 middle term unless there are circumstances in
15 aggravation or mitigation. The court shall state the
16 reasons for its enhancement choice on the record at the
17 time of the sentence.

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

30 (e) For purposes of imposing an enhancement under
31 Section 1170.1, the enhancements under this section shall
32 count as one, single enhancement.

33 (f) Notwithstanding any other provision of law, the
34 court may strike the additional punishment for the
35 enhancements provided in subdivision (c) or (d) in an
36 unusual case where the interests of justice would best be
37 served, if the court specifies on the record and enters into
38 the minutes the circumstances indicating that the
39 interests of justice would best be served by that
40 disposition.

1 SEC. 5. Section 12022.5 of the Penal Code is amended
2 to read:

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

13 (2) If the person described in paragraph (1) has been
14 convicted of carjacking or attempted carjacking, the
15 additional term shall be 4, 5, or 10 years. The court shall
16 order imposition of the middle term unless there are
17 circumstances in aggravation or mitigation. The court
18 shall state its reasons for its enhancement choice on the
19 record at the time of sentencing.

20 (b) (1) Notwithstanding subdivision (a), any person
21 who is convicted of a felony or an attempt to commit a
22 felony, including murder or attempted murder, in which
23 that person discharged a firearm at an occupied motor
24 vehicle which caused great bodily injury or death to the
25 person of another, shall, upon conviction of that felony or
26 attempted felony, in addition and consecutive to the
27 sentence prescribed for the felony or attempted felony,
28 be punished by an additional term of imprisonment in the
29 state prison for 5, 6, or 10 years.

30 (2) Notwithstanding subdivision (a), any person who
31 personally uses an assault weapon, as specified in Section
32 12276 or Section 12276.1, or a machinegun, as defined in
33 Section 12200, in the commission or attempted
34 commission of a felony, shall, upon conviction of that
35 felony or attempted felony, in addition and consecutive
36 to the sentence prescribed for the felony or attempted
37 felony, be punished by an additional term of
38 imprisonment in the state prison for 5, 6, or 10 years.

39 (c) Notwithstanding the enhancement set forth in
40 subdivision (a), any person who personally uses a firearm



1 in the commission or attempted commission of a violation
2 of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378,
3 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety
4 Code, shall, upon conviction of that offense and in
5 addition and consecutive to the punishment prescribed
6 for the offense of which he or she has been convicted, be
7 punished by an additional term of imprisonment in the
8 state prison for 3, 4, or 10 years in the court's discretion.
9 The court shall order the imposition of the middle term
10 unless there are circumstances in aggravation or
11 mitigation. The court shall state the reasons for its
12 enhancement choice on the record.

13 (d) The additional term provided by this section may
14 be imposed in cases of assault with a firearm under
15 paragraph (2) of subdivision (a) of Section 245, or assault
16 with a deadly weapon which is a firearm under Section
17 245, or murder if the killing was perpetrated by means of
18 shooting a firearm from a motor vehicle, intentionally at
19 another person outside of the vehicle with the intent to
20 inflict great bodily injury or death.

21 (e) When a person is found to have personally used a
22 firearm, an assault weapon, or a machinegun in the
23 commission or attempted commission of a felony as
24 provided in this section and the firearm, assault weapon,
25 or machinegun is owned by that person, the court shall
26 order that the firearm be deemed a nuisance and
27 disposed of in the manner provided in Section 12028.

28 (f) For purposes of imposing an enhancement under
29 Section 1170.1, the enhancements under this section shall
30 count as one, single enhancement.

31 *SEC. 6.* Section 12276.1 is added to the Penal Code, to
32 read:

33 12276.1. (a) Notwithstanding Section 12276, "assault
34 weapon" shall also mean any of the following:

35 (1) A semiautomatic, centerfire rifle that has the
36 capacity to accept a detachable magazine and any one of
37 the following:

38 (A) A conspicuously protruding pistol grip.

39 (B) A thumbhole stock.

40 (C) A vertical handgrip.



- 1 (D) A folding or telescoping stock.
2 (E) A grenade launcher *or flare launcher*.
3 (F) A threaded barrel *capable of accepting a flash*
4 *suppressor, forward handgrip, or silencer*.
5 (2) A semiautomatic, centerfire rifle that has a fixed
6 magazine with the capacity to accept more than 10
7 rounds.
8 (3) A semiautomatic, centerfire rifle that has an
9 overall length of less than 30 inches.
10 (4) A semiautomatic pistol that has the capacity to
11 accept a detachable magazine and any one of the
12 following:
13 (A) A threaded barrel.
14 (B) A second vertical handgrip.
15 (C) A shroud that is attached to, or partially or
16 completely encircles, the barrel *that allows the bearer to*
17 *fire the weapon without burning his or her hand*, except
18 a slide that encloses the barrel.
19 (D) The capacity to accept a detachable magazine at
20 some location outside of the pistol grip.
21 (5) A semiautomatic pistol with a fixed magazine that
22 has the capacity to accept more than 10 rounds.
23 (6) A semiautomatic shotgun that has both of the
24 following:
25 (A) A folding or telescoping stock.
26 (B) A conspicuously protruding pistol grip, thumbhole
27 stock, or vertical handgrip.
28 (7) A semiautomatic shotgun that has the ability to
29 accept a detachable magazine.
30 (8) Any shotgun with a revolving cylinder.
31 ~~(b) This section shall become operative on January 1,~~
32 ~~2000.~~
33 (b) “Assault weapon” *does not include any antique*
34 *firearm*.
35 (c) The following definitions shall apply under this
36 section:
37 (1) “Magazine” shall mean any ammunition feeding
38 device.
39 (2) “Capacity to accept more than 10 rounds” shall
40 mean capable of accommodating more than 10 rounds,



1 but shall not be construed to include a feeding device that
2 has been permanently altered so that it cannot
3 accommodate more than 10 rounds.

4 (3) “Antique firearm” means any firearm
5 manufactured prior to January 1, 1898.

6 (d) This section shall become operative January 1,
7 2000.

8 ~~SEC. 5.~~

9 SEC. 7. Section 12280 of the Penal Code is amended
10 to read:

11 12280. (a) (1) Any person who, within this state,
12 manufactures or causes to be manufactured, distributes,
13 transports, or imports into the state, keeps for sale, or
14 offers or exposes for sale, or who gives or lends any assault
15 weapon, except as provided by this chapter, is guilty of a
16 felony, and upon conviction shall be punished by
17 imprisonment in the state prison for four, six, or eight
18 years.

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

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



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

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

12 (1) The person proves ~~by a preponderance of~~
13 ~~evidence~~ that he or she lawfully possessed the assault
14 weapon prior to the date it was defined as an assault
15 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 (c) 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 Department of Corrections,
5 the Department of the California Highway Patrol, district
6 attorneys' offices, or the military or naval forces of this
7 state or of the United States for use in the discharge of
8 their official duties; nor shall anything in this chapter
9 prohibit the possession or use of assault weapons by sworn
10 members of these agencies ~~when on duty~~, whether the
11 officer is on or off duty, or the possession by an individual
12 who is retired from service with a law enforcement
13 agency and who is not otherwise prohibited from
14 possessing an assault ~~weapon transferred to the individual~~
15 ~~by the agency upon his or her retirement.~~ *weapon.*

16 (g) Subdivision (b) shall not apply to the possession of
17 an assault weapon, as defined in Section 12276, by any
18 person during the 1990 calendar year, during the 90-day
19 period immediately after the date it was specified as an
20 assault weapon pursuant to Section 12276.5, or during the
21 one-year period after the date it was defined as an assault
22 weapon pursuant to Section 12276.1, if all of the following
23 are applicable:

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

26 (2) The person lawfully possessed the particular
27 assault weapon described in paragraph (1) prior to June
28 1, 1989, if the weapon is specified as an assault weapon
29 pursuant to Section 12276, or prior to the date it was
30 specified as an assault weapon pursuant to Section
31 12276.5, or prior to the date it was defined as an assault
32 weapon pursuant to Section 12276.1.

33 (3) The person is otherwise in compliance with this
34 chapter.

35 (h) Subdivisions (a) and (b) shall not apply to the
36 manufacture by persons who are issued permits pursuant
37 to Section 12287 of assault weapons for sale to the
38 following:

39 (1) Exempt entities listed in subdivision (f).



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

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

7 (4) Federal military and law enforcement agencies.

8 (5) Law enforcement and military agencies of other
9 states.

10 (6) Foreign governments and agencies approved by
11 the United States State Department.

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

17 (j) Subdivision (b) 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, if the
20 assault weapon is possessed at a place set forth in
21 paragraph (1) of subdivision (c) of Section 12285 or as
22 authorized by the probate court.

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

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

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

32 (B) The person to whom the assault weapon is lent
33 remains in the presence of the registered possessor of the
34 assault weapon.

35 (C) The assault weapon is possessed at any of the
36 following locations:

37 (i) While on a target range that holds a regulatory or
38 business license for the purpose of practicing shooting at
39 that target range.



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

4 (iii) While attending any exhibition, display, or
5 educational project that is about firearms and that is
6 sponsored by, conducted under the auspices of, or
7 approved by a law enforcement agency or a nationally or
8 state recognized entity that fosters proficiency in, or
9 promotes education about, firearms.

10 (2) The return of an assault weapon to the registered
11 possessor which is lent by the same pursuant to paragraph
12 (1).

13 (l) Subdivision (b) shall not apply to the possession of
14 an assault weapon by a person to whom an assault weapon
15 is lent pursuant to subdivision ~~(i)~~ (k).

16 (m) Subdivisions (a) and (b) shall not apply to the
17 possession and importation of an assault weapon into this
18 state by a nonresident if all of the following conditions are
19 met:

20 (1) The person is attending or going directly to or
21 coming directly from an organized competitive match or
22 league competition that involves the use of an assault
23 weapon.

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

26 (i) A target range that holds a regulatory or business
27 license for the purpose of practicing shooting at that
28 target range.

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

32 (3) The match or competition is sponsored by,
33 conducted under the auspices of, or approved by, a law
34 enforcement agency or a nationally or state recognized
35 entity that fosters proficiency in, or promotes education
36 about, firearms.

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

39 (5) The person is 18 years of age or over and is not in
40 a class of persons prohibited from possessing firearms by



1 virtue of Section 12021 or 12021.1 of this code or Section
 2 8100 or 8103 of the Welfare and Institutions Code.

3 (n) *Subdivision (b) shall not apply to any of the*
 4 *following persons:*

5 (1) *A person acting in accordance with Section 12286.*

6 (2) *A person who has a permit to possess an assault*
 7 *weapon issued pursuant to Section 12286 when he or she*
 8 *is acting in accordance with Section 12285 or 12286.*

9 (o) *Subdivisions (a) and (b) shall not apply to any of*
 10 *the following persons:*

11 (1) *A person acting in accordance with Section 12285.*

12 (2) *A person acting in accordance with Section 12286*
 13 *or 12290.*

14 (p) *Subdivision (b) shall not apply to the registered*
 15 *owner of an assault weapon possessing that firearm in*
 16 *accordance with subdivision (c) of Section 12285.*

17 (q) As used in this chapter, the date a firearm is an
 18 assault weapon is the earliest of the following:

19 (1) The effective date of an amendment to Section
 20 12276 that adds the designation of the specified firearm.

21 (2) The effective date of the list promulgated pursuant
 22 to Section 12276.5 that adds or changes the designation of
 23 the specified firearm.

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

26 ~~SEC. 6.~~

27 SEC. 8. Section 12285 of the Penal Code is amended
 28 to read:

29 12285. (a) Any person who lawfully possesses an
 30 assault weapon, as defined in Section 12276, prior to June
 31 1, 1989, shall register the firearm by January 1, 1991, and
 32 any person who lawfully possessed an assault weapon
 33 prior to the date it was specified as an assault weapon
 34 pursuant to Section 12276.5 shall register the firearm
 35 within 90 days; with the Department of Justice pursuant
 36 to those procedures that the department may establish.
 37 Except as provided in subdivision—~~(d)~~ (a) of Section
 38 12280, any person who lawfully possessed an assault
 39 weapon prior to the date it was defined as an assault
 40 weapon pursuant to Section 12276.1, and which was not



1 specified as an assault weapon under Section 12276 or
2 12276.5, shall register the firearm within one year of the
3 effective date of Section 12276.1, with the department
4 pursuant to those procedures that the department may
5 establish. The registration shall contain a description of
6 the firearm that identifies it uniquely, including all
7 identification marks, the full name, address, date of birth,
8 and thumbprint of the owner, and any other information
9 that the department may deem appropriate. The
10 department may charge a fee for registration of up to
11 twenty dollars (\$20) per person but not to exceed the
12 actual processing costs of the department. After the
13 department establishes fees sufficient to reimburse the
14 department for processing costs, fees charged shall
15 increase at a rate not to exceed the legislatively approved
16 annual cost-of-living adjustment for the department's
17 budget or as otherwise increased through the Budget Act.

18 (b) (1) Except as provided in paragraph (2), no
19 assault weapon possessed pursuant to this section may be
20 sold or transferred on or after January 1, 1990, to anyone
21 within this state other than to a licensed gun dealer, as
22 defined in subdivision (c) of Section 12290, or as provided
23 in Section 12288. Any person who (A) obtains title to an
24 assault weapon registered under this section by bequest
25 or intestate succession, or (B) lawfully possessed a
26 firearm subsequently declared to be an assault weapon
27 pursuant to Section 12276.5, or subsequently defined as an
28 assault weapon pursuant to Section 12276.1, shall, within
29 90 days, render the weapon permanently inoperable, sell
30 the weapon to a licensed gun dealer, obtain a permit from
31 the Department of Justice in the same manner as
32 specified in Article 3 (commencing with Section 12230)
33 of Chapter 2, or remove the weapon from this state. A
34 person who lawfully possessed a firearm that was
35 subsequently declared to be an assault weapon pursuant
36 to Section 12276.5 may alternatively register the firearm
37 within 90 days of the declaration issued pursuant to
38 subdivision (f) of Section 12276.5.



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

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

8 (B) The person shall cause the assault weapon to be
9 delivered to a licensed gun dealer, as defined in
10 subdivision (c) of Section 12290, in this state in
11 accordance with Chapter 44 (commencing with Section
12 921) of Title 18 of the United States Code and the
13 regulations issued pursuant thereto. If the person obtains
14 a permit from the Department of Justice in the same
15 manner as specified in Article 3 (commencing with
16 Section 12230) of Chapter 2, the dealer shall redeliver
17 that assault weapon to the person. If the licensed gun
18 dealer, as defined in subdivision (c) of Section 12290, is
19 prohibited from delivering the assault weapon to a person
20 pursuant to this paragraph, the dealer shall possess or
21 dispose of the assault weapon as allowed by this chapter.

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

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

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

32 (3) While on a target range that holds a regulatory or
33 business license for the purpose of practicing shooting at
34 that target range.

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

37 (5) While attending any exhibition, display, or
38 educational project which is about firearms and which is
39 sponsored by, conducted under the auspices of, or
40 approved by a law enforcement agency or a nationally or



1 state recognized entity that fosters proficiency in, or
2 promotes education about, firearms.

3 (6) While on publicly owned land if the possession and
4 use of a firearm described in Section 12276 *or* 12276.1 is
5 specifically permitted by the managing agency of the
6 land.

7 (7) While transporting the assault weapon between
8 any of the places mentioned in this subdivision, or to any
9 licensed gun dealer, as defined in subdivision (c) of
10 Section 12290, for servicing or repair pursuant to
11 subdivision (b) of Section 12290, if the assault weapon is
12 transported as required by Section 12026.1.

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

18 (e) The department's registration procedures shall
19 provide the option of joint registration for assault
20 weapons owned by family members residing in the same
21 household.

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

27 (g) *Any person who registered a firearm as an assault*
28 *weapon pursuant to the provisions of law in effect prior*
29 *to January 1, 2000, where the assault weapon is thereafter*
30 *defined as an assault weapon pursuant to Section 12276.1,*
31 *shall be deemed to have registered the weapon for*
32 *purposes of this chapter and shall not be required to*
33 *reregister the weapon pursuant to this section.*

34 (h) Any person who registers his or her assault weapon
35 during the 90-day forgiveness period described in
36 subdivision (f), and any person whose registration form
37 was received by the Department of Justice after January
38 1, 1991, and who was issued a temporary registration prior
39 to the end of the forgiveness period, shall not be charged
40 with a violation of subdivision (b) of Section 12280, if law



1 enforcement becomes aware of that violation only as a
2 result of the registration of the assault weapon. This
3 subdivision shall have no effect upon persons charged
4 with a violation of subdivision (b) of Section 12280 of the
5 Penal Code prior to January 1, 1992, provided that law
6 enforcement was aware of the violation before the
7 weapon was registered.

8 ~~SEC. 7.~~

9 SEC. 9. Section 12289 of the Penal Code is amended
10 to read:

11 12289. (a) The Department of Justice shall conduct a
12 public education and notification program regarding the
13 registration of assault weapons and the definition of the
14 weapons set forth in Section 12276.1. The public
15 education and notification program shall include
16 outreach to local law enforcement agencies and
17 utilization of public service announcements in a variety
18 of media approaches, to ensure maximum publicity of the
19 limited forgiveness period of the registration
20 requirement specified in subdivision (f) of Section 12285
21 and the consequences of nonregistration. The
22 department shall develop posters describing gunowners'
23 responsibilities under this chapter which shall be posted
24 in a conspicuous place in every licensed gun store in the
25 state during the forgiveness period.

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

31 ~~SEC. 8.~~

32 SEC. 10. *It was the original intent of the Legislature*
33 *in enacting Chapter 19 of the Statutes of 1989 to ban all*
34 *assault weapons, regardless of their name, model number,*
35 *or manufacture. It is the purpose of this act to effectively*
36 *achieve the Legislature's intent to prohibit all assault*
37 *weapons.*

38 SEC. 11. If any phrase, clause, sentence, section, or
39 provision of this act or application thereof is held invalid
40 as to any person or circumstance, such invalidity shall not



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

6 ~~SEC. 9.~~

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

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

