

AMENDED IN ASSEMBLY MAY 10, 2001

AMENDED IN ASSEMBLY APRIL 5, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1219

Introduced by Assembly Member Frommer
(Coauthor: Assembly Member Koretz)

February 23, 2001

An act to add Section 12071.5 to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1219, as amended, Frommer. Firearms: safety mechanisms.

Existing law generally regulates safety design aspects for handguns.

This bill, in addition, would provide that, *except as provided*, no licensed firearms dealer may sell, *loan, or transfer* any pistol, revolver, or other firearm capable of being concealed upon the person that is manufactured on or after January 1, 2004, ~~except to a peace officer, as defined~~, unless that firearm includes an integrated mechanical safety device or other incorporated design technology that is designed to prevent children and other unauthorized users from discharging the handgun, as specified. Violation of these provisions is punishable by a civil penalty of *up to* \$50,000 for each firearm *that is sold, loaned, or transferred* in violation of the provisions. Violation of the provisions, as specified, would also subject a firearms dealer to forfeiture of the firearms license. This bill would also require the Attorney General to adopt rules and regulations for the implementation and enforcement of these provisions.

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

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

1 SECTION 1. Section 12071.5 is added to the Penal Code, to
2 read:

3 12071.5. (a) No person licensed pursuant to Section 12701
4 may sell, loan, or transfer any pistol, revolver, or other firearm
5 capable of being concealed upon the person that is manufactured
6 on or after January 1, 2004, unless that firearm includes an
7 integrated mechanical safety device or other incorporated design
8 technology that is designed to prevent children and other
9 unauthorized users from discharging that firearm.

10 (b) For purposes of this section, “integrated mechanical safety
11 device” means a disabling or locking device that is incorporated
12 within the design of a pistol, revolver, or other firearm capable of
13 being concealed upon the person, and as part of its original
14 manufacture, technology that automatically limits its operational
15 use, and that cannot be readily deactivated, so that it may only be
16 fired by an authorized or recognized user. The technology limiting
17 the operational use of the pistol, revolver, or other firearm capable
18 of being concealed upon the person may include, but is not limited
19 to, radio tagging, touch memory, remote control, fingerprint,
20 magnetic encoding, and other automatic user identification
21 systems using biometrics, mechanical and electronic systems.

22 (c) Subdivision (a) shall not apply to any of the following:

23 (1) The sale, loan or transfer of a pistol, revolver, or any other
24 firearm capable of being concealed upon the person to any law
25 enforcement agency, or any agency authorized to perform law
26 enforcement duties.

27 (2) The sale, loan, or transfer of a pistol, revolver, or any other
28 firearm capable of being concealed upon the person to any peace
29 officer, as defined in Chapter 4.5 (commencing with Section 830)
30 of Title 3 of Part 2, who is authorized to, and who does, carry a
31 firearm during the course and scope of his or her employment.

32 (3) The sale, loan, or transfer of a pistol, revolver, or any other
33 firearm capable of being concealed upon the person to any
34 employee of any law enforcement agency or any agency
35 authorized to perform law enforcement duties, who is authorized

1 to, and who does, carry a firearm during the course and scope of
2 his or her employment.

3 (4) The sale of a pistol, revolver, or any other firearm capable
4 of being concealed upon the person, pursuant to Section 12082.

5 (5) The sale, loan, or transfer of a pistol, revolver, or any other
6 firearm capable of being concealed upon the person that is a curio
7 or relic, as defined in Section 178.11 of Title 27 of the Code of
8 Federal Regulations, or that is an antique firearm, as defined in
9 paragraph (16) of subsection (a) of Section 921 of Title 18 of the
10 United States Code.

11 (6) The return of a pistol, revolver, or any other firearm capable
12 of being concealed upon the person by a dealer to the owner of that
13 firearm.

14 (7) *The sale, loan, or transfer of a pistol that is sanctioned by*
15 *the International Olympic Committee and by USA Shooting, the*
16 *national governing body for international shooting competition in*
17 *the United States, and that is used for Olympic target shooting*
18 *purposes as specified in paragraph (2) of subdivision (h) of Section*
19 *12132.*

20 (d) The Attorney General shall adopt rules and regulations for
21 the implementation and enforcement of this section. The rules and
22 regulations shall permit a pistol, revolver, or other firearm capable
23 of being concealed upon the person that incorporates an integrated
24 mechanical safety device pursuant to this section to be discharged
25 by a person to whom the firearm is lawfully loaned.

26 (e) A violation of this section is punishable by a civil penalty
27 of *up to* fifty thousand dollars (\$50,000) for each firearm that is
28 *sold, loaned, or transferred* in violation of this section.

29 (f) The sale, loan, or transfer of a pistol, revolver, or other
30 firearm capable of being concealed upon the person by a person
31 licensed pursuant to Section 12071 in violation of this section shall
32 constitute a breach of the license issued pursuant to Section 12071,
33 and the license shall be subject to forfeiture.