

AMENDED IN ASSEMBLY MAY 27, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1237**

---

---

**Introduced by Assembly Member Leno**

February 22, 2005

---

---

An act to amend ~~Sections 12020 and~~ *Section* 12650 of, and to add Section 12602 to, the Penal Code, relating to tasers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1237, as amended, Leno. Tasers.

~~Existing law provides, subject to exceptions, that any person who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses certain specified weapons, is punishable by imprisonment in a county jail not exceeding one year or in the state prison. Existing law provides exceptions to those prohibitions for certain weapons for law enforcement agencies.~~

~~This bill would add tasers to the list of prohibited weapons. The bill would also include tasers within the excepted weapons for law enforcement. The bill would define "taser" for these purposes.~~

~~By expanding the scope of an existing crime, this bill would impose a state-mandated local program.~~

Existing law authorizes peace officers and custodial officers to possess less lethal weapons and ammunition therefor.

This bill would require every law enforcement agency to report to the Department of Justice, specified information about the use of tasers by each agency. The bill would require the department to collect the data from law enforcement agencies and report specified matters to the Legislature no later than July 1, 2007. *The bill would authorize the State Department of Health Services to contract for a medical*

*review of the effects of taser use on human subjects, and require any recommendations resulting from that review to be reported to the Legislature by July 1, 2007, as specified.*

By imposing additional duties on local law enforcement in connection with the use of tasers, this bill would impose a state-mandated local program.

Existing law defines “stun gun” for purposes of the offense of assault with a stun gun or taser.

This bill would also define “taser” for those purposes.

~~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 with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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 amended to~~  
2 ~~read:~~

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

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

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

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

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

20 (4) Carries concealed upon his or her person any dirk or  
 21 dagger.

22 However, a first offense involving any metal military practice  
 23 handgrenade or metal replica handgrenade shall be punishable  
 24 only as an infraction unless the offender is an active participant  
 25 in a criminal street gang as defined in the Street Terrorism and  
 26 Enforcement and Prevention Act (Chapter 11 (commencing with  
 27 Section 186.20) of Title 7 of Part 1). A bullet containing or  
 28 carrying an explosive agent is not a destructive device as that  
 29 term is used in Section 12301.

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

31 (1) The sale to, purchase by, or possession of tasers,  
 32 short-barreled shotguns or short-barreled rifles by police  
 33 departments, sheriffs' offices, marshals' offices, the California  
 34 Highway Patrol, the Department of Justice, or the military or  
 35 naval forces of this state or of the United States for use in the  
 36 discharge of their official duties or the possession of tasers,  
 37 short-barreled shotguns and short-barreled rifles by peace officer  
 38 members of a police department, sheriff's office, marshal's  
 39 office, the California Highway Patrol, or the Department of  
 40 Justice when on duty and the use is authorized by the agency and

1 is within the course and scope of their duties and the peace  
2 officer has completed a training course in the use of these  
3 weapons certified by the Commission on Peace Officer Standards  
4 and Training.

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

10 (3) ~~The possession of a nunchaku on the premises of a school~~  
11 ~~which holds a regulatory or business license and teaches the arts~~  
12 ~~of self-defense.~~

13 (4) ~~The manufacture of a nunchaku for sale to, or the sale of a~~  
14 ~~nunchaku to, a school which holds a regulatory or business~~  
15 ~~license and teaches the arts of self-defense.~~

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

27 (6) ~~Tracer ammunition manufactured for use in shotguns.~~

28 (7) ~~Any firearm or ammunition that is a curio or relic as~~  
29 ~~defined in Section 478.11 of Title 27 of the Code of Federal~~  
30 ~~Regulations and which is in the possession of a person permitted~~  
31 ~~to possess the items pursuant to Chapter 44 (commencing with~~  
32 ~~Section 921) of Title 18 of the United States Code and the~~  
33 ~~regulations issued pursuant thereto. Any person prohibited by~~  
34 ~~Section 12021, 12021.1, or 12101 of this code or Section 8100 or~~  
35 ~~8103 of the Welfare and Institutions Code from possessing~~  
36 ~~firearms or ammunition who obtains title to these items by~~  
37 ~~bequest or intestate succession may retain title for not more than~~  
38 ~~one year, but actual possession of these items at any time is~~  
39 ~~punishable pursuant to Section 12021, 12021.1, or 12101 of this~~  
40 ~~code or Section 8100 or 8103 of the Welfare and Institutions~~

1 Code. Within the year, the person shall transfer title to the  
2 firearms or ammunition by sale, gift, or other disposition. Any  
3 person who violates this paragraph is in violation of subdivision  
4 (a).

5 (8) Any other weapon as defined in subsection (c) of Section  
6 5845 of Title 26 of the United States Code and which is in the  
7 possession of a person permitted to possess the weapons pursuant  
8 to the federal Gun Control Act of 1968 (Public Law 90-618), as  
9 amended, and the regulations issued pursuant thereto. Any  
10 person prohibited by Section 12021, 12021.1, or 12101 of this  
11 code or Section 8100 or 8103 of the Welfare and Institutions  
12 Code from possessing these weapons who obtains title to these  
13 weapons by bequest or intestate succession may retain title for  
14 not more than one year, but actual possession of these weapons at  
15 any time is punishable pursuant to Section 12021, 12021.1, or  
16 12101 of this code or Section 8100 or 8103 of the Welfare and  
17 Institutions Code. Within the year, the person shall transfer title  
18 to the weapons by sale, gift, or other disposition. Any person  
19 who violates this paragraph is in violation of subdivision (a). The  
20 exemption provided in this subdivision does not apply to pen  
21 guns:

22 (9) Instruments or devices that are possessed by federal, state,  
23 and local historical societies, museums, and institutional  
24 collections which are open to the public, provided that these  
25 instruments or devices are properly housed, secured from  
26 unauthorized handling, and, if the instrument or device is a  
27 firearm, unloaded.

28 (10) Instruments or devices, other than short-barreled shotguns  
29 or short-barreled rifles, that are possessed or utilized during the  
30 course of a motion picture, television, or video production or  
31 entertainment event by an authorized participant therein in the  
32 course of making that production or event or by an authorized  
33 employee or agent of the entity producing that production or  
34 event.

35 (11) Instruments or devices, other than short-barreled shotguns  
36 or short-barreled rifles, that are sold by, manufactured by,  
37 exposed or kept for sale by, possessed by, imported by, or lent by  
38 persons who are in the business of selling instruments or devices  
39 listed in subdivision (a) solely to the entities referred to in

1 paragraphs (9) and (10) when engaging in transactions with those  
2 entities:

3 (12) ~~The sale to, possession of, or purchase of any weapon,  
4 device, or ammunition, other than a short-barreled rifle or  
5 short-barreled shotgun, by any federal, state, county, city and  
6 county, or city agency that is charged with the enforcement of  
7 any law for use in the discharge of their official duties, or the  
8 possession of any weapon, device, or ammunition, other than a  
9 short-barreled rifle or short-barreled shotgun, by peace officers  
10 thereof when on duty and the use is authorized by the agency and  
11 is within the course and scope of their duties.~~

12 ~~(13) Weapons, devices, and ammunition, other than a  
13 short-barreled rifle or short-barreled shotgun, that are sold by,  
14 manufactured by, exposed or kept for sale by, possessed by,  
15 imported by, or lent by, persons who are in the business of  
16 selling weapons, devices, and ammunition listed in subdivision  
17 (a) solely to the entities referred to in paragraph (12) when  
18 engaging in transactions with those entities.~~

19 ~~(14) The manufacture for, sale to, exposing or keeping for sale  
20 to, importation of, or lending of wooden clubs or batons to  
21 special police officers or uniformed security guards authorized to  
22 carry any wooden club or baton pursuant to Section 12002 by  
23 entities that are in the business of selling wooden batons or clubs  
24 to special police officers and uniformed security guards when  
25 engaging in transactions with those persons.~~

26 ~~(15) Any plastic toy handgrenade, or any metal military  
27 practice handgrenade or metal replica handgrenade that is a relie,  
28 curio, memorabilia, or display item, that is filled with a  
29 permanent inert substance or that is otherwise permanently  
30 altered in a manner that prevents ready modification for use as a  
31 grenade.~~

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

35 ~~(A) The person is not prohibited from possessing firearms or  
36 ammunition pursuant to Section 12021 or 12021.1 or paragraph  
37 (1) of subdivision (b) of Section 12316 of this code or Section  
38 8100 or 8103 of the Welfare and Institutions Code.~~

39 ~~(B) The person possessed the instrument, ammunition,  
40 weapon, or device no longer than was necessary to deliver or~~

1 transport the same to a law enforcement agency for that agency's  
2 disposition according to law.

3 (C) If the person is transporting the listed item, he or she is  
4 transporting the listed item to a law enforcement agency for  
5 disposition according to law.

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

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

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

16 (C) If the person is transporting the firearm, he or she is  
17 transporting the firearm to a law enforcement agency for  
18 disposition according to law.

19 (D) Prior to transporting the firearm to a law enforcement  
20 agency, he or she has given prior notice to that law enforcement  
21 agency that he or she is transporting the firearm to that law  
22 enforcement agency for disposition according to law.

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

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

28 (19) The sale of, giving of, lending of, importation into this  
29 state of, or purchase of, any large-capacity magazine to or by any  
30 federal, state, county, city and county, or city agency that is  
31 charged with the enforcement of any law, for use by agency  
32 employees in the discharge of their official duties whether on or  
33 off duty, and where the use is authorized by the agency and is  
34 within the course and scope of their duties.

35 (20) The sale to, lending to, transfer to, purchase by, receipt  
36 of, or importation into this state of, a large-capacity magazine by  
37 a sworn peace officer as defined in Chapter 4.5 (commencing  
38 with Section 830) of Title 3 of Part 2 who is authorized to carry a  
39 firearm in the course and scope of his or her duties.

1 ~~(21) The sale or purchase of any large-capacity magazine to or~~  
2 ~~by a person licensed pursuant to Section 12071.~~

3 ~~(22) The loan of a lawfully possessed large-capacity magazine~~  
4 ~~between two individuals if all of the following conditions are~~  
5 ~~met:~~

6 ~~(A) The person being loaned the large-capacity magazine is~~  
7 ~~not prohibited by Section 12021, 12021.1, or 12101 of this code~~  
8 ~~or Section 8100 or 8103 of the Welfare and Institutions Code~~  
9 ~~from possessing firearms or ammunition.~~

10 ~~(B) The loan of the large-capacity magazine occurs at a place~~  
11 ~~or location where the possession of the large-capacity magazine~~  
12 ~~is not otherwise prohibited and the person who lends the~~  
13 ~~large-capacity magazine remains in the accessible vicinity of the~~  
14 ~~person to whom the large-capacity magazine is loaned.~~

15 ~~(23) The importation of a large-capacity magazine by a person~~  
16 ~~who lawfully possessed the large-capacity magazine in the state~~  
17 ~~prior to January 1, 2000, lawfully took it out of the state, and is~~  
18 ~~returning to the state with the large-capacity magazine previously~~  
19 ~~lawfully possessed in the state.~~

20 ~~(24) The lending or giving of any large-capacity magazine to a~~  
21 ~~person licensed pursuant to Section 12071, or to a gunsmith, for~~  
22 ~~the purposes of maintenance, repair, or modification of that~~  
23 ~~large-capacity magazine.~~

24 ~~(25) The return to its owner of any large-capacity magazine by~~  
25 ~~a person specified in paragraph (24).~~

26 ~~(26) The importation into this state of, or sale of, any~~  
27 ~~large-capacity magazine by a person who has been issued a~~  
28 ~~permit to engage in those activities pursuant to Section 12079,~~  
29 ~~when those activities are in accordance with the terms and~~  
30 ~~conditions of that permit.~~

31 ~~(27) The sale of, giving of, lending of, importation into this~~  
32 ~~state of, or purchase of, any large-capacity magazine, to or by~~  
33 ~~entities that operate armored vehicle businesses pursuant to the~~  
34 ~~laws of this state.~~

35 ~~(28) The lending of large-capacity magazines by the entities~~  
36 ~~specified in paragraph (27) to their authorized employees, while~~  
37 ~~in the course and scope of their employment for purposes that~~  
38 ~~pertain to the entity's armored vehicle business.~~

1 ~~(29) The return of those large-capacity magazines to those~~  
2 ~~entities specified in paragraph (27) by those employees specified~~  
3 ~~in paragraph (28).~~

4 ~~(30) (A) The manufacture of a large-capacity magazine for~~  
5 ~~any federal, state, county, city and county, or city agency that is~~  
6 ~~charged with the enforcement of any law, for use by agency~~  
7 ~~employees in the discharge of their official duties whether on or~~  
8 ~~off duty, and where the use is authorized by the agency and is~~  
9 ~~within the course and scope of their duties.~~

10 ~~(B) The manufacture of a large-capacity magazine for use by a~~  
11 ~~sworn peace officer as defined in Chapter 4.5 (commencing with~~  
12 ~~Section 830) of Title 3 of Part 2 who is authorized to carry a~~  
13 ~~firearm in the course and scope of his or her duties.~~

14 ~~(C) The manufacture of a large-capacity magazine for export~~  
15 ~~or for sale to government agencies or the military pursuant to~~  
16 ~~applicable federal regulations.~~

17 ~~(31) The loan of a large-capacity magazine for use solely as a~~  
18 ~~prop for a motion picture, television, or video production.~~

19 ~~(32) The purchase of a large-capacity magazine by the holder~~  
20 ~~of a special weapons permit issued pursuant to Section 12095,~~  
21 ~~12230, 12250, 12286, or 12305, for any of the following~~  
22 ~~purposes:~~

23 ~~(A) For use solely as a prop for a motion picture, television, or~~  
24 ~~video production.~~

25 ~~(B) For export pursuant to federal regulations.~~

26 ~~(C) For resale to law enforcement agencies, government~~  
27 ~~agencies, or the military, pursuant to applicable federal~~  
28 ~~regulations.~~

29 ~~(e) (1) As used in this section, a “short-barreled shotgun”~~  
30 ~~means any of the following:~~

31 ~~(A) A firearm which is designed or redesigned to fire a fixed~~  
32 ~~shotgun shell and having a barrel or barrels of less than 18 inches~~  
33 ~~in length.~~

34 ~~(B) A firearm which has an overall length of less than 26~~  
35 ~~inches and which is designed or redesigned to fire a fixed~~  
36 ~~shotgun shell.~~

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

1 ~~(D) Any device which may be readily restored to fire a fixed~~  
2 ~~shotgun shell which, when so restored, is a device defined in~~  
3 ~~subparagraphs (A) to (C), inclusive.~~

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

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

12 ~~(A) A rifle having a barrel or barrels of less than 16 inches in~~  
13 ~~length.~~

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

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

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

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

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

33 ~~(4) As used in this section, a “wallet gun” means any firearm~~  
34 ~~mounted or enclosed in a case, resembling a wallet, designed to~~  
35 ~~be or capable of being carried in a pocket or purse, if the firearm~~  
36 ~~may be fired while mounted or enclosed in the case.~~

37 ~~(5) As used in this section, a “cane gun” means any firearm~~  
38 ~~mounted or enclosed in a stick, staff, rod, crutch, or similar~~  
39 ~~device, designed to be, or capable of being used as, an aid in~~

1 walking, if the firearm may be fired while mounted or enclosed  
2 therein.

3 ~~(6) As used in this section, a “fl chette dart” means a dart,~~  
4 ~~capable of being fired from a firearm, that measures~~  
5 ~~approximately one inch in length, with tail fins that take up~~  
6 ~~approximately five-sixteenths of an inch of the body.~~

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

16 ~~(8) As used in this section, a “ballistic knife” means a device~~  
17 ~~that propels a knifelike blade as a projectile by means of a coil~~  
18 ~~spring, elastic material, or compressed gas. Ballistic knife does~~  
19 ~~not include any device which propels an arrow or a bolt by~~  
20 ~~means of any common bow, compound bow, crossbow, or~~  
21 ~~underwater speargun.~~

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

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

25 ~~(B) It is designed and intended to allow the firing of the~~  
26 ~~enclosed firearm by external controls while the firearm is in the~~  
27 ~~container.~~

28 ~~(C) It is not readily recognizable as containing a firearm.~~

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

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

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

38 ~~(B) It was not originally designed to be a firearm by a~~  
39 ~~manufacturer licensed pursuant to Chapter 44 (commencing with~~

1 ~~Section 921) of Title 18 of the United States Code and the~~  
2 ~~regulations issued pursuant thereto.~~

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

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

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

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

20 ~~(13) As used in this section, a “belt buckle knife” is a knife~~  
21 ~~which is made an integral part of a belt buckle and consists of a~~  
22 ~~blade with a length of at least 2 ½ inches.~~

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

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

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

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

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

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

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

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

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

21 ~~(A) When, after removal of grips, stocks, and magazines, it is~~  
22 ~~not as detectable as the Security Exemplar, by walk-through~~  
23 ~~metal detectors calibrated and operated to detect the Security~~  
24 ~~Exemplar.~~

25 ~~(B) When any major component of which, when subjected to~~  
26 ~~inspection by the types of X-ray machines commonly used at~~  
27 ~~airports, does not generate an image that accurately depicts the~~  
28 ~~shape of the component. Barium sulfate or other compounds may~~  
29 ~~be used in the fabrication of the component.~~

30 ~~(C) For purposes of this paragraph, the terms “firearm,”~~  
31 ~~“major component,” and “Security Exemplar” have the same~~  
32 ~~meanings as those terms are defined in Section 922 of Title 18 of~~  
33 ~~the United States Code.~~

34 ~~All firearm detection equipment newly installed in nonfederal~~  
35 ~~public buildings in this state shall be of a type identified by either~~  
36 ~~the United States Attorney General, the Secretary of~~  
37 ~~Transportation, or the Secretary of the Treasury, as appropriate,~~  
38 ~~as available state-of-the-art equipment capable of detecting an~~  
39 ~~undetectable firearm, as defined, while distinguishing innocuous~~

1 metal objects likely to be carried on one's person sufficient for  
2 reasonable passage of the public.

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

5 (A) A device designed or redesigned to be attached to a  
6 semiautomatic firearm which allows the firearm to discharge two  
7 or more shots in a burst by activating the device.

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

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

19 (25) As used in this section, "large-capacity magazine" means  
20 any ammunition feeding device with the capacity to accept more  
21 than 10 rounds, but shall not be construed to include any of the  
22 following:

23 (A) A feeding device that has been permanently altered so that  
24 it cannot accommodate more than 10 rounds.

25 (B) A .22 caliber tube ammunition feeding device.

26 (C) A tubular magazine that is contained in a lever-action  
27 firearm.

28 (26) As used in this section, "taser" means any mechanism  
29 that is designed to emit an electronic, magnetic, or other type of  
30 charge or shock through the use of a projectile, and is designed  
31 for the purpose of temporarily immobilizing a person by the  
32 infliction of that charge or shock.

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

36 ~~SEC. 2.—~~

37 *SECTION 1.* Section 12602 is added to the Penal Code, to  
38 read:

39 12602. (a) Every law enforcement agency in California *that*  
40 *uses tasers* shall report monthly for the year 2006 to the

1 Department of Justice as to whether the agency uses tasers, and if  
2 so, each time a taser is unholstered or otherwise employed for  
3 use by the officer involved shall submit an incident report that  
4 answers each of the following:

5 ~~(1) Was the taser drawn, aimed and the laser sighting device~~  
6 ~~activated by pointing it at someone.~~

7 ~~(2) Was the taser used to deliver a charge or shock.~~

8 ~~(3) regarding every incident in which a taser was discharged.~~  
9 ~~The officer involved in the incident shall submit a report in a~~  
10 ~~manner and on a form created by the Department of Justice that~~  
11 ~~addresses the following in the most concise manner practicable:~~

12 ~~(1) What was the original reason for the officer contacting the~~  
13 ~~suspect.~~

14 ~~(4)~~

15 ~~(2) What was the reason for using the taser.~~

16 ~~(5)~~

17 ~~(3) What was the manner in which the taser was used to~~  
18 ~~deliver a shock.~~

19 ~~(6)~~

20 ~~(4) What was the number of shocks administered and the~~  
21 ~~length of each shock.~~

22 ~~(7) How effective was the use of the taser.~~

23 ~~(5) Was the use of the taser effective in subduing the suspect.~~

24 ~~(8)~~

25 ~~(6) Was the suspect arrested, and if so, on what charge.~~

26 ~~(9)~~

27 ~~(7) What was the age, gender, race, or ethnicity of the subject.~~

28 ~~(10)~~

29 ~~(8) Was the suspect believed to be under the influence of~~  
30 ~~drugs or alcohol, as identified either before or after the event.~~

31 ~~(11) Was the suspect believed to be suffering from mental~~  
32 ~~illness, as identified either before or after the event.~~

33 ~~(9) Was the officer informed by the dispatcher, witnesses or by~~  
34 ~~any other means that the suspect was suffering from mental~~  
35 ~~illness.~~

36 ~~(12)~~

37 ~~(10) Was the officer injured in connection with the incident in~~  
38 ~~which the taser was used.~~

39 ~~(13)~~

1 (11) Was the suspect injured in connection with the incident in  
2 which the taser was used.

3 ~~(14)~~

4 (12) What, if any, medical treatment did the suspect receive  
5 after the taser was used and by whom was it administered,  
6 specifying whether the suspect was treated and released from  
7 medical care or required hospital admission.

8 (b) Each law enforcement agency shall collect the following  
9 information for the year 2006, and shall, no later than March 1,  
10 2007, provide the following information to the Department of  
11 Justice:

12 (1) A complete copy of the departmental policies and  
13 protocols for taser use, including, but not limited to, who is  
14 supplied with a taser and the situations in which the use of a taser  
15 is authorized by ~~under~~ the department's use of force policy.

16 ~~(2) What training~~ *A description of the training that is required*  
17 of officers who are authorized to use the taser, including, but not  
18 limited to, the number of hours of training required, subjects  
19 covered, and who is responsible for conducting the training.

20 (3) The number of calls to which officers were dispatched and  
21 a taser was used, ~~either by activating the laser targeting device or~~  
22 ~~by administering a charge or shock.~~ *to administer a charge or*  
23 *shock.*

24 (4) The number of times officers used a taser, ~~either by~~  
25 ~~activating the laser targeting device or administering to~~  
26 *administer a charge or shock, during a self-initiated activity.*

27 (5) The race or ethnicity of the suspects upon whom the taser  
28 was used, ~~either by activating the laser targeting device or~~  
29 ~~administering to administer~~ a charge or shock, compared with the  
30 arrest rates for all subjects arrested or cited for a criminal offense  
31 during the same time period.

32 (6) The overall number of calls for service handled by patrol  
33 officers during the period.

34 (7) The number of injuries requiring hospital admission  
35 sustained by persons after being shocked with a taser.

36 (8) The number of deaths that occurred following a person  
37 being shocked with a taser.

38 (c) Following receipt of the data described above, the  
39 department shall collect and collate the data, and no later than  
40 July 1, 2007, submit a report to the Legislature that shall include

1 the full protocols for training and use of tasers as submitted by  
2 each agency, as well as a ~~reporting~~ *compilation of* the responses  
3 to the items in subdivisions (a) and (b), collated by agency and  
4 statewide.

5 *(d) The State Department of Health Services is authorized to*  
6 *contract with a public or private entity to conduct an*  
7 *independent medical review of the effects of taser use on human*  
8 *subjects. Any policy recommendations regarding the use of tasers*  
9 *that are derived from the review shall be reported to the*  
10 *Legislature no later than July 1, 2007. The medical review shall*  
11 *be funded only by private funding sources.*

12 ~~SEC. 3.—~~

13 *SEC. 2. Section 12650 of the Penal Code is amended to read:*

14 12650. (a) “Stun gun” as used in this chapter shall include  
15 any item, except a taser, used or intended to be used as either an  
16 offensive or defensive weapon capable of temporarily  
17 immobilizing a person by the infliction of an electrical charge.

18 (b) “Taser” as used in this chapter means any mechanism that  
19 is designed to emit an electronic, magnetic, or other type of  
20 charge or shock through the use of a projectile, and is designed  
21 for the purpose of temporarily immobilizing a person by the  
22 infliction of that charge or shock.

23 ~~SEC. 4. No reimbursement is required by this act pursuant to~~  
24 ~~Section 6 of Article XIII B of the California Constitution for~~  
25 ~~certain costs that may be incurred by a local agency or school~~  
26 ~~district because, in that regard, this act creates a new crime or~~  
27 ~~infraction, eliminates a crime or infraction, or changes the~~  
28 ~~penalty for a crime or infraction, within the meaning of Section~~  
29 ~~17556 of the Government Code, or changes the definition of a~~  
30 ~~crime within the meaning of Section 6 of Article XIII B of the~~  
31 ~~California Constitution.~~

32 ~~However, if the Commission on State Mandates determines~~  
33 ~~that this act contains other costs mandated by the state,~~  
34 ~~reimbursement to local agencies and school districts for those~~  
35 ~~costs shall be made pursuant to Part 7 (commencing with Section~~  
36 ~~17500) of Division 4 of Title 2 of the Government Code.~~

37 *SEC. 3. If the Commission on State Mandates determines that*  
38 *this act contains costs mandated by the state, reimbursement to*  
39 *local agencies and school districts for those costs shall be made*

1 *pursuant to Part 7 (commencing with Section 17500) of Division*  
2 *4 of Title 2 of the Government Code.*

O