

Assembly Bill No. 1559

Passed the Assembly August 27, 2012

Chief Clerk of the Assembly

Passed the Senate August 22, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 28240 and 33300 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1559, Portantino. Firearms.

(1) Existing law allows the Department of Justice to require a firearms dealer to charge a firearm purchaser a fee not to exceed \$14, which may be adjusted at a rate not to exceed any increase in the California Consumer Price Index. Existing law, until January 1, 2014, provides that only one fee shall be charged for a single transaction on the same date for the sale of any number of firearms that are not handguns, or for the taking of possession of those firearms. Existing law requires, in a single transaction on the same date for the delivery of any number of firearms that are handguns, and commencing January 1, 2014, for any firearm, that the department charge a reduced fee for the second and subsequent firearms that are part of that transaction. Existing law provides that only one fee shall be charged for a single transaction on the same date for taking title or possession of any number of firearms pursuant to certain specified provisions of law.

This bill would instead provide that until January 1, 2014, only one fee shall be charged for a single transaction on the same date for the sale of any number of firearms that are not handguns, or for the taking of possession of those firearms, and beginning January 1, 2014, provide that only one fee shall be charged for a single transaction on the same date for taking title or possession of any number of firearms, including handguns.

(2) Existing law authorizes the Department of Justice to issue a permit for the manufacture, possession, transportation, or sale of short-barreled rifles or short-barreled shotguns upon a showing that good cause, as specified, exists for the issuance of a permit to the applicant and the Department of Justice finds that the issuance of the permit does not endanger public safety.

This bill would add the importation of short-barreled rifles or short-barreled shotguns to the activities for which a permit may be issued pursuant to the above provision. The bill would state

that the amendments to this provision made by this bill are declaratory of existing law.

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

SECTION 1. Section 28240 of the Penal Code is amended to read:

28240. (a) Until January 1, 2014, only one fee shall be charged pursuant to this article for a single transaction on the same date for the sale of any number of firearms that are not handguns, or for the taking of possession of those firearms.

(b) Beginning January 1, 2014, only one fee shall be charged pursuant to this article for a single transaction on the same date for taking title or possession of any number of firearms.

SEC. 2. Section 33300 of the Penal Code is amended to read:

33300. (a) Upon a showing that good cause exists for issuance of a permit to the applicant, and if the Department of Justice finds that issuance of the permit does not endanger the public safety, the department may issue a permit for the manufacture, possession, importation, transportation, or sale of short-barreled rifles or short-barreled shotguns. The permit shall be initially valid for a period of one year, and renewable annually thereafter. No permit shall be issued to a person who is under 18 years of age.

(b) Good cause, for the purposes of this section, shall be limited to only the following:

(1) The permit is sought for the manufacture, possession, importation, or use with blank cartridges, of a short-barreled rifle or short-barreled shotgun, solely as a prop for a motion picture, television, or video production or entertainment event.

(2) The permit is sought for the manufacture of, exposing for sale, keeping for sale, sale of, importation or lending of short-barreled rifles or short-barreled shotguns to the entities listed in Section 33220 by persons who are licensed as dealers or manufacturers under the provisions of Chapter 53 (commencing with Section 5801) of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.

SEC. 3. The amendments to Section 33300 of the Penal Code made by Section 1 of this act do not constitute a change in, but are declaratory of, existing law.

Approved _____, 2012

Governor