

ASSEMBLY BILL

No. 1034

Introduced by Assembly Member Nazarian

February 22, 2013

An act to amend Section 16460 of the Penal Code, relating to weapons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1034, as introduced, Nazarian. Weapons: destructive device.

Existing law regulates the ownership and possession of various weapons, including destructive devices, as defined.

This bill would make technical, nonsubstantive changes to these provisions.

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

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

1 SECTION 1. Section 16460 of the Penal Code is amended to
2 read:
3 16460. (a) As used in Sections 16510, 16520, and 16780, and
4 in Chapter 1 (commencing with Section 18710) of Division 5 of
5 Title 2, "destructive device" includes any of the following weapons:
6 (1) ~~Any~~A projectile containing ~~any~~ an explosive or incendiary
7 material or ~~any~~ other chemical substance, including, but not limited
8 to, that which is commonly known as tracer or incendiary
9 ammunition, except tracer ammunition manufactured for use in
10 shotguns.

- 1 (2) ~~Any~~ A bomb, grenade, explosive missile, or similar device
2 or ~~any~~ a launching device therefor.
- 3 (3) ~~Any~~ A weapon of a caliber greater than 0.60 caliber ~~which~~
4 *that* fires fixed ammunition, or any ammunition therefor, other
5 than a shotgun (smooth or rifled bore) conforming to the definition
6 of a “destructive device” found in subsection (b) of Section 479.11
7 of Title 27 of the Code of Federal Regulations, shotgun ammunition
8 (single projectile or shot), antique rifle, or an antique cannon.
- 9 (4) ~~Any~~ A rocket, rocket-propelled projectile, or similar device
10 of a diameter greater than 0.60 inch, or ~~any~~ a launching device
11 therefor, and ~~any~~ a rocket, rocket-propelled projectile, or similar
12 device containing ~~any~~ an explosive or incendiary material or ~~any~~
13 other chemical substance, other than the propellant for that device,
14 except those devices as are designed primarily for emergency or
15 distress signaling purposes.
- 16 (5) ~~Any~~ A breakable container that contains a flammable liquid
17 with a flashpoint of 150 degrees Fahrenheit or less and has a wick
18 or similar device capable of being ignited, other than a device
19 ~~which~~ *that* is commercially manufactured primarily for the purpose
20 of illumination.
- 21 (6) ~~Any~~ A sealed device containing dry ice (CO₂) or other
22 chemically reactive substances assembled for the purpose of
23 causing an explosion by a chemical reaction.
- 24 (b) A bullet containing or carrying an explosive agent is not a
25 destructive device as that term is used in subdivision (a).