

ASSEMBLY BILL

No. 170

Introduced by Assembly Member Bradford

January 24, 2013

An act to amend Sections 16970, 31000, 31110, and 32650 of the Penal Code, relating to assault weapons and .50 BMG rifles.

LEGISLATIVE COUNSEL'S DIGEST

AB 170, as introduced, Bradford. Assault weapons and .50 BMG rifles.

Existing law, subject to exceptions, generally prohibits the possession of an assault weapon or a .50 BMG rifle, as defined. Violation of these prohibitions is a criminal offense. Existing law requires a person who wishes to acquire an assault weapon or .50 BMG rifle to obtain a permit from the Department of Justice. Existing law defines “person” as an individual, partnership, corporation, limited liability company, association, or any other group or entity, regardless of how it was created, for these permit purposes and other purposes related to the regulation of assault weapons and .50 BMG rifles. Existing law requires a permit to possess a machinegun. Violation of these provisions is a criminal offense.

This bill would define “person” as an individual for those permit purposes for assault weapons, .50 BMG rifles, and machineguns, and other purposes related to the regulation of assault weapons and .50 BMG rifles. The bill would except application of that definition from provisions that generally prohibit the manufacture, distribution, transportation, importation, keeping for sale, offering for sale, exposing for sale, giving, or lending, of an assault weapon or .50 BMG rifle, and from provisions imposing specified sentencing enhancements related

to violations of law relating to assault weapons or .50 BMG rifles. The bill would make additional conforming changes, including changes relating to annual inspections, for security and safe storage purposes, of certain permittees possessing assault weapons or .50 BMG rifles, as specified.

By changing provisions of law regulating the acquisition of assault weapons and .50 BMG rifles, the violation of which is a crime, this bill would impose a state-mandated local program.

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 16970 of the Penal Code is amended to
 2 read:

3 16970. (a) As used in Sections ~~16790 and 17505 and in~~
 4 ~~Chapter 2 (commencing with Section 30500) of Division 10 of~~
 5 ~~Title 4, 30600, and 30615,~~ “person” means an individual,
 6 partnership, corporation, limited liability company, association,
 7 or any other group or entity, regardless of how it was created.

8 (b) *As used in Section 16970 and Chapter 2 (commencing with*
 9 *Section 30500) of Division 10 of Title 4, except for Sections 30600*
 10 *and 30615, “person” means an individual.*

11 SEC. 2. Section 31000 of the Penal Code is amended to read:

12 31000. (a) Any person who lawfully acquired an assault
 13 weapon before June 1, 1989, or a .50 BMG rifle before January
 14 1, 2005, and wishes to use it in a manner different than specified
 15 in Section 30945 shall first obtain a permit from the Department
 16 of Justice in the same manner as specified in Article 3
 17 (commencing with Section 32650) of Chapter 6.

18 (b) Any person who lawfully acquired an assault weapon
 19 between June 1, 1989, and January 1, 1990, and wishes to keep it
 20 after January 1, 1990, shall first obtain a permit from the
 21 Department of Justice in the same manner as specified in Article
 22 3 (commencing with Section 32650) of Chapter 6.

1 (c) Any person who wishes to acquire an assault weapon after
2 January 1, 1990, or a .50 BMG rifle after January 1, 2005, shall
3 first obtain a permit from the Department of Justice in the same
4 manner as specified in Article 3 (commencing with Section 32650)
5 of Chapter 6.

6 (d) *On and after January 1, 2014, no partnership, corporation,*
7 *limited liability company, association, or any other group or entity,*
8 *regardless of how the entity was created, may be issued a permit*
9 *to possess an assault weapon or a .50 BMG rifle.*

10 SEC. 3. Section 31110 of the Penal Code is amended to read:

11 31110. (a) Except as provided in subdivision (b), the
12 Department of Justice shall, for every person, ~~firm, or corporation~~
13 to whom a permit is issued pursuant to this article, annually conduct
14 an inspection for security and safe storage purposes, and to
15 reconcile the inventory of assault weapons.

16 (b) A person, firm, or corporation with an inventory of fewer
17 than five devices that require any Department of Justice permit
18 shall be subject to an inspection for security and safe storage
19 purposes, and to reconcile inventory, once every five years, or
20 more frequently if determined by the department.

21 SEC. 4. Section 32650 of the Penal Code is amended to read:

22 32650. (a) The Department of Justice may issue permits for
23 the possession, manufacture, and transportation or possession,
24 manufacture, or transportation of machineguns, upon a satisfactory
25 showing that good cause exists for the issuance of the permit to
26 the applicant. No permit shall be issued to a person who is under
27 18 years of age.

28 (b) *A permit for possession issued pursuant to this section may*
29 *only be issued to an individual, and may not be issued to a*
30 *partnership, corporation, limited liability company, association,*
31 *or any other group or entity, regardless of how that entity was*
32 *created.*

33 SEC. 5. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of
39 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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