

AMENDED IN SENATE MAY 24, 2013
AMENDED IN SENATE MARCH 20, 2013
AMENDED IN SENATE JANUARY 24, 2013

SENATE BILL

No. 47

Introduced by Senator Yee
(Coauthors: Senators De León, Leno, and Steinberg)
(Coauthors: Assembly Members Bloom, Dickinson, and Ting)

December 18, 2012

An act to amend Sections 30515 and 30900 of, and to add Section 30680 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 47, as amended, Yee. Firearms: assault weapons.

(1) Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, "assault weapon" means, among other things, a semiautomatic, centerfire rifle or a semiautomatic pistol that has the capacity to accept a detachable magazine and has any one of specified attributes, including, for rifles, a thumbhole stock, and for pistols, a second handgrip.

This bill would revise these provisions to mean a semiautomatic, centerfire rifle or a semiautomatic pistol that does not have a fixed magazine but has any one of those specified attributes.

This bill would also define "fixed magazine" to mean an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

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

(2) Existing law requires that any person who, within this state, possesses an assault weapon, except as otherwise provided, be punished as a felony or for a period not to exceed one year in a county jail.

This bill would exempt from punishment a person who possessed an assault weapon under that provision prior to January 1, 2014, and until July 1, ~~2014~~, 2015, if specified requirements are met.

(3) Existing law requires that, with specified exceptions, any person who, prior to January 1, 2001, lawfully possessed an assault weapon prior to the date it was defined as an assault weapon, and which was not specified as an assault weapon at the time of lawful possession, register the firearm with the Department of Justice. Existing law permits the Department of Justice to charge a fee for registration of up to \$20 per person but not to exceed the actual processing costs of the department. Existing law, after the department establishes fees sufficient to reimburse the department for processing costs, requires fees charged to increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act. Existing law requires those fees to be deposited into the Dealers' Record of Sale Special Account. Existing law, the Administrative Procedure Act, establishes the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would require that any person who, from January 1, 2001, to December 31, 2013, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, and including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, register the firearm before July 1, ~~2014~~, 2015, with the Department of Justice. This bill would permit the department to increase the \$20 registration fee as long as it does not exceed the reasonable processing costs of the department. This bill would also require registrations to be submitted electronically via the Internet utilizing a public-facing application made available by the department. This bill would require the registration to contain specified information, including, but not limited to, a description of the firearm that identifies it uniquely and specified information about the registrant. This bill would permit the department to charge a fee of up to \$15 per person for registration through the Internet, not to exceed the reasonable processing costs of the department to be paid and deposited, as specified.

This bill would require the department to ~~establish procedures~~ *adopt regulations* for the purpose of ~~carrying out~~ *implementing* those provisions and would exempt ~~them~~ *those regulations* from the Administrative Procedure Act. This bill would also make technical and conforming changes.

(4) 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 30515 of the Penal Code is amended to
2 read:

3 30515. (a) Notwithstanding Section 30510, “assault weapon”
4 also means any of the following:

5 (1) A semiautomatic, centerfire rifle that does not have a fixed
6 magazine but has any one of the following:

7 (A) A pistol grip that protrudes conspicuously beneath the action
8 of the weapon.

9 (B) A thumbhole stock.

10 (C) A folding or telescoping stock.

11 (D) A grenade launcher or flare launcher.

12 (E) A flash suppressor.

13 (F) A forward pistol grip.

14 (2) A semiautomatic, centerfire rifle that has a fixed magazine
15 with the capacity to accept more than 10 rounds.

16 (3) A semiautomatic, centerfire rifle that has an overall length
17 of less than 30 inches.

18 (4) A semiautomatic pistol that does not have a fixed magazine
19 but has any one of the following:

20 (A) A threaded barrel, capable of accepting a flash suppressor,
21 forward handgrip, or silencer.

22 (B) A second handgrip.

23 (C) A shroud that is attached to, or partially or completely
24 encircles, the barrel that allows the bearer to fire the weapon

1 without burning the bearer’s hand, except a slide that encloses the
2 barrel.

3 (D) The capacity to accept a detachable magazine at some
4 location outside of the pistol grip.

5 (5) A semiautomatic pistol with a fixed magazine that has the
6 capacity to accept more than 10 rounds.

7 (6) A semiautomatic shotgun that has both of the following:

8 (A) A folding or telescoping stock.

9 (B) A pistol grip that protrudes conspicuously beneath the action
10 of the weapon, thumbhole stock, or vertical handgrip.

11 (7) A semiautomatic shotgun that has the ability to accept a
12 detachable magazine.

13 (8) Any shotgun with a revolving cylinder.

14 (b) For purposes of this section, “fixed magazine” means an
15 ammunition feeding device contained in, or permanently attached
16 to, a firearm in such a manner that the device cannot be removed
17 without disassembly of the firearm action.

18 (c) The Legislature finds a significant public purpose in
19 exempting from the definition of “assault weapon” pistols that are
20 designed expressly for use in Olympic target shooting events.
21 Therefore, those pistols that are sanctioned by the International
22 Olympic Committee and by USA Shooting, the national governing
23 body for international shooting competition in the United States,
24 and that were used for Olympic target shooting purposes as of
25 January 1, 2001, and that would otherwise fall within the definition
26 of “assault weapon” pursuant to this section are exempt, as
27 provided in subdivision (d).

28 (d) “Assault weapon” does not include either of the following:

29 (1) Any antique firearm.

30 (2) Any of the following pistols, because they are consistent
31 with the significant public purpose expressed in subdivision (c):

32	33 MANUFACTURER	34 MODEL	CALIBER
35	BENELLI	MP90	.22LR
36	BENELLI	MP90	.32 S&W LONG
37	BENELLI	MP95	.22LR
38	BENELLI	MP95	.32 S&W LONG
39	HAMMERLI	280	.22LR
40	HAMMERLI	280	.32 S&W LONG

1	HAMMERLI	SP20	.22LR
2	HAMMERLI	SP20	.32 S&W LONG
3	PARDINI	GPO	.22 SHORT
4	PARDINI	GP-SCHUMANN	.22 SHORT
5	PARDINI	HP	.32 S&W LONG
6	PARDINI	MP	.32 S&W LONG
7	PARDINI	SP	.22LR
8	PARDINI	SPE	.22LR
9	WALTHER	GSP	.22LR
10	WALTHER	GSP	.32 S&W LONG
11	WALTHER	OSP	.22 SHORT
12	WALTHER	OSP-2000	.22 SHORT

13

14 (3) The Department of Justice shall create a program that is
 15 consistent with the purposes stated in subdivision (c) to exempt
 16 new models of competitive pistols that would otherwise fall within
 17 the definition of “assault weapon” pursuant to this section from
 18 being classified as an assault weapon. The exempt competitive
 19 pistols may be based on recommendations by USA Shooting
 20 consistent with the regulations contained in the USA Shooting
 21 Official Rules or may be based on the recommendation or rules
 22 of any other organization that the department deems relevant.

23 SEC. 2. Section 30680 is added to the Penal Code, to read:

24 30680. Notwithstanding the meaning of “assault weapon” under
 25 Section 30515, as amended by the act that added this section, any
 26 person who possessed an assault weapon prior to January 1, 2014,
 27 is exempt from punishment pursuant to Section 30605 until July
 28 1, ~~2014~~, 2015, if all of the following are applicable:

29 (a) During the person’s possession, the person was eligible to
 30 register that assault weapon pursuant to subdivision (c) of Section
 31 30900.

32 (b) The person lawfully possessed that assault weapon on
 33 January 1, 2014.

34 SEC. 3. Section 30900 of the Penal Code is amended to read:

35 30900. (a) (1) Any person who, prior to June 1, 1989, lawfully
 36 possessed an assault weapon, as defined in former Section 12276,
 37 as added by Section 3 of Chapter 19 of the Statutes of 1989, shall
 38 register the firearm by January 1, 1991, and any person who
 39 lawfully possessed an assault weapon prior to the date it was
 40 specified as an assault weapon pursuant to former Section 12276.5,

1 as added by Section 3 of Chapter 19 of the Statutes of 1989 or as
2 amended by Section 1 of Chapter 874 of the Statutes of 1990 or
3 Section 3 of Chapter 954 of the Statutes of 1991, shall register the
4 firearm within 90 days with the Department of Justice pursuant to
5 those procedures that the department may establish.

6 (2) Except as provided in Section 30600, any person who
7 lawfully possessed an assault weapon prior to the date it was
8 defined as an assault weapon pursuant to former Section 12276.1,
9 as it read in Section 7 of Chapter 129 of the Statutes of 1999, and
10 which was not specified as an assault weapon under former Section
11 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989
12 or as amended at any time before January 1, 2001, or former
13 Section 12276.5, as added by Section 3 of Chapter 19 of the
14 Statutes of 1989 or as amended at any time before January 1, 2001,
15 shall register the firearm by January 1, 2001, with the department
16 pursuant to those procedures that the department may establish.

17 (3) The registration shall contain a description of the firearm
18 that identifies it uniquely, including all identification marks, the
19 full name, address, date of birth, and thumbprint of the owner, and
20 any other information that the department may deem appropriate.

21 (4) The department may charge a fee for registration of up to
22 twenty dollars (\$20) per person but not to exceed the reasonable
23 processing costs of the department. After the department establishes
24 fees sufficient to reimburse the department for processing costs,
25 fees charged shall increase at a rate not to exceed the legislatively
26 approved annual cost-of-living adjustment for the department's
27 budget or as otherwise increased through the Budget Act but not
28 to exceed the reasonable processing costs of the department. The
29 fees shall be deposited into the Dealers' Record of Sale Special
30 Account.

31 (b) (1) Any person who, from January 1, 2001, to December
32 31, 2013, inclusive, lawfully possessed an assault weapon that
33 does not have a fixed magazine, as defined in Section 30515,
34 including those weapons with an ammunition feeding device that
35 can be removed readily from the firearm with the use of a tool,
36 shall register the firearm before July 1, ~~2014~~, 2015, with the
37 department pursuant to those procedures that the department may
38 ~~establish~~ *establish by regulation pursuant to paragraph (5)*.

1 (2) Registrations shall be submitted electronically via the
2 Internet utilizing a public-facing application made available by
3 the department.

4 (3) The registration shall contain a description of the firearm
5 that identifies it uniquely, including all identification marks, the
6 date the firearm was acquired, the name and address of the
7 individual from whom, or business from which, the firearm was
8 acquired, as well as the registrant's full name, address, telephone
9 number, date of birth, sex, height, weight, eye color, hair color,
10 and California driver's license number or California identification
11 card number.

12 (4) The department may charge a fee of up to fifteen dollars
13 (\$15) per person but not to exceed the reasonable processing costs
14 of the department. The fee shall be paid by debit or credit card at
15 the time that the electronic registration is submitted to the
16 department. The fee shall be deposited in the Dealers' Record of
17 Sale Special Account.

18 (5) The department shall ~~establish procedures~~ *adopt regulations*
19 for the purpose of ~~carrying out~~ *implementing* this subdivision.
20 These ~~procedures~~ *regulations* shall be exempt from the
21 Administrative Procedure Act.

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