

AMENDED IN SENATE MAY 28, 2013

SENATE BILL

No. 374

Introduced by Senators Steinberg, Hancock, and Yee

February 20, 2013

An act to amend Sections 30515 and 30900 of, and to add Section 27566 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 374, as amended, Steinberg. Firearms: assault weapons.

Existing law regulates the sale, carrying, and control of firearms, including assault weapons, and requires assault weapons to be registered with the Department of Justice. Violation of these provisions is a crime. Existing law defines a semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and other specified features and a semiautomatic weapon that has a fixed magazine with a capacity to accept 10 or more rounds as an assault weapon.

This bill would, instead, classify a semiautomatic, rimfire or centerfire rifle that does not have a fixed magazine with the capacity to accept *no more than* 10 rounds ~~or fewer~~ as an assault weapon. The bill would require a person who, between January 1, 2001, and prior to January 1, 2014, lawfully possessed an assault weapon that does not have a fixed magazine, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, to register the firearm by July 1, 2014. By expanding the definition of a crime, this bill would impose a state-mandated local program.

This bill would require, on and after July 1, 2014, a Firearm Ownership Record to be submitted, as specified, to the Department of Justice for every firearm an individual owns, with prescribed exceptions, including firearms purchased from a licensed firearms dealer and

documented by a Dealers’ Record of Sale transaction and assault weapons registered with the department. The bill would authorize the department to charge a fee of up to \$19 per transaction for the submission of the Firearm Ownership Record.

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 27566 is added to the Penal Code, to
2 read:

3 27566. (a) On and after July 1, 2014, a Firearm Ownership
4 Record shall be submitted by prepaid mail or delivered in person
5 to the Department of Justice for every firearm an individual owns
6 or possesses.

7 (b) The following firearms are exempt from subdivision (a):

8 (1) Handguns purchased from a licensed firearms dealer and
9 documented by a Dealers’ Record of Sale (DROS) transaction on
10 and after January 1, 1991.

11 (2) Rifles without detachable magazines and shotguns purchased
12 prior to January 1, 2014.

13 (3) Assault weapons registered with the department pursuant
14 to Section 30900.

15 (4) Firearms for which a Firearm Ownership Record has been
16 previously filed by the current owner.

17 (c) The department may charge a fee in an amount sufficient to
18 reimburse the department for the reasonable costs of maintaining
19 the Firearm Ownership Record program, but in no case more than
20 nineteen dollars (\$19) per transaction to process the Firearm
21 Ownership Record. After the department establishes the fee
22 amount, the department may adjust the fee amount annually as
23 necessary to cover the reasonable costs of administering the
24 program. The fees shall be deposited into the Dealers’ Record of
25 Sale Special Account.

26 SEC. 2. Section 30515 of the Penal Code is amended to read:

1 30515. (a) Notwithstanding Section 30510, “assault weapon”
2 also means any of the following:

3 (1) A semiautomatic, rimfire or centerfire rifle that does not
4 have a fixed magazine with the capacity to accept *no more than*
5 10 rounds ~~or fewer~~.

6 (2) A semiautomatic, centerfire rifle that has an overall length
7 of less than 30 inches.

8 (3) A semiautomatic pistol that has the capacity to accept a
9 detachable magazine and any one of the following:

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

12 (B) A second handgrip.

13 (C) A shroud that is attached to, or partially or completely
14 encircles, the barrel that allows the bearer to fire the weapon
15 without burning the bearer’s hand, except a slide that encloses the
16 barrel.

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

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

21 (5) A semiautomatic shotgun that has both of the following:

22 (A) A folding or telescoping stock.

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

25 (6) A semiautomatic shotgun that has the ability to accept a
26 detachable magazine.

27 (7) Any shotgun with a revolving cylinder.

28 (b) The Legislature finds a significant public purpose in
29 exempting from the definition of “assault weapon” pistols that are
30 designed expressly for use in Olympic target shooting events.
31 Therefore, those pistols that are sanctioned by the International
32 Olympic Committee and by USA Shooting, the national governing
33 body for international shooting competition in the United States,
34 and that were used for Olympic target shooting purposes as of
35 January 1, 2001, and that would otherwise fall within the definition
36 of “assault weapon” pursuant to this section are exempt, as
37 provided in subdivision (c).

38 (c) “Assault weapon” does not include either of the following:

39 (1) Any antique firearm.

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

3	4 MANUFACTURER	MODEL	CALIBER
5			
6	BENELLI	MP90	.22LR
7	BENELLI	MP90	.32 S&W LONG
8	BENELLI	MP95	.22LR
9	BENELLI	MP95	.32 S&W LONG
10	HAMMERLI	280	.22LR
11	HAMMERLI	280	.32 S&W LONG
12	HAMMERLI	SP20	.22LR
13	HAMMERLI	SP20	.32 S&W LONG
14	PARDINI	GPO	.22 SHORT
15	PARDINI	GP-SCHUMANN	.22 SHORT
16	PARDINI	HP	.32 S&W LONG
17	PARDINI	MP	.32 S&W LONG
18	PARDINI	SP	.22LR
19	PARDINI	SPE	.22LR
20	WALTHER	GSP	.22LR
21	WALTHER	GSP	.32 S&W LONG
22	WALTHER	OSP	.22 SHORT
23	WALTHER	OSP-2000	.22 SHORT

24
 25 (3) The Department of Justice shall create a program that is
 26 consistent with the purposes stated in subdivision (b) to exempt
 27 new models of competitive pistols that would otherwise fall within
 28 the definition of “assault weapon” pursuant to this section from
 29 being classified as an assault weapon. The exempt competitive
 30 pistols may be based on recommendations by USA Shooting
 31 consistent with the regulations contained in the USA Shooting
 32 Official Rules or may be based on the recommendation or rules
 33 of any other organization that the department deems relevant.

34 (d) For purposes of this section, the following definitions shall
 35 apply:

36 (1) “Detachable magazine” means an ammunition feeding device
 37 that can be removed readily from the firearm without disassembly
 38 of the firearm action.

39 (2) “Fixed magazine” means an ammunition feeding device
 40 contained in, or permanently attached to, a firearm in such a manner

1 that the device cannot be removed without disassembly of the
2 firearm action.

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

4 30900. (a) A person who, prior to June 1, 1989, lawfully
5 possessed an assault weapon, as defined in former Section 12276,
6 as added by Section 3 of Chapter 19 of the Statutes of 1989, shall
7 register the firearm by January 1, 1991, and any person who
8 lawfully possessed an assault weapon prior to the date it was
9 specified as an assault weapon pursuant to former Section 12276.5,
10 as added by Section 3 of Chapter 19 of the Statutes of 1989 or as
11 amended by Section 1 of Chapter 874 of the Statutes of 1990 or
12 Section 3 of Chapter 954 of the Statutes of 1991, shall register the
13 firearm within 90 days with the Department of Justice pursuant to
14 those procedures that the department may establish.

15 (b) Except as provided in Section 30600, any person who
16 lawfully possessed an assault weapon prior to the date it was
17 defined as an assault weapon pursuant to former Section 12276.1,
18 as it read in Section 7 of Chapter 129 of the Statutes of 1999, and
19 which was not specified as an assault weapon under former Section
20 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989
21 or as amended at any time before January 1, 2001, or former
22 Section 12276.5, as added by Section 3 of Chapter 19 of the
23 Statutes of 1989 or as amended at any time before January 1, 2001,
24 shall register the firearm by January 1, 2001, with the department
25 pursuant to those procedures that the department may establish.

26 (c) A person who, between January 1, 2001, and prior to January
27 1, 2014, lawfully possessed an assault weapon that does not have
28 a fixed magazine, as defined in Section 30515 and including those
29 weapons with an ammunition feeding device that can be removed
30 readily from the firearm with the use of a tool, shall register the
31 firearm by July 1, 2014, with the department pursuant to procedures
32 determined by the department.

33 (d) The registration shall contain a description of the firearm
34 that identifies it uniquely, including all identification marks, the
35 full name, address, date of birth, and thumbprint of the owner, and
36 any other information that the department may deem appropriate.

37 (e) The department may charge a fee for registration of up to
38 twenty dollars (\$20) per person but not to exceed the actual
39 processing costs of the department. After the department establishes
40 fees sufficient to reimburse the department for processing costs,

1 fees charged shall increase at a rate not to exceed the department's
2 actual ~~precessing~~ *processing* costs. The fees shall be deposited
3 into the Dealers' Record of Sale Special Account.

4 SEC. 4. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.