

ASSEMBLY BILL

No. 1663

**Introduced by Assembly Member Chiu
(Coauthors: Assembly Members Levine and Ting)**

January 14, 2016

An act to amend Sections 30515 and 30900 of, and to add Section 30902 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1663, as introduced, Chiu. 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 centerfire rifle that does not have a fixed magazine with the capacity to accept no more than 10 rounds as an assault weapon. The bill would require a person who, between January 1, 2001, and December 31, 2016, inclusive, 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, and who, on or after January 1, 2017, possesses that firearm, to register the firearm by July 1, 2018. By expanding the definition of 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 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 has the capacity to~~
 6 ~~accept a detachable magazine and 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)~~
 15 ~~(1) A semiautomatic, semiautomatic centerfire rifle that has~~
 16 ~~does not have~~ a fixed magazine with the capacity to accept *no*
 17 more than 10 rounds.
 18 ~~(3)~~
 19 (2) A semiautomatic, centerfire rifle that has an overall length
 20 of less than 30 inches.
 21 ~~(4)~~
 22 (3) A semiautomatic pistol that has the capacity to accept a
 23 detachable magazine and any one of the following:
 24 (A) A threaded barrel, capable of accepting a flash suppressor,
 25 forward handgrip, or silencer.
 26 (B) A second handgrip.
 27 (C) A shroud that is attached to, or partially or completely
 28 encircles, the barrel that allows the bearer to fire the weapon
 29 without burning the bearer’s hand, except a slide that encloses the
 30 barrel.

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

3 ~~(5)~~

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

6 ~~(6)~~

7 (5) 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)~~

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

14 ~~(8)~~

15 (7) Any shotgun with a revolving cylinder.

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

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

27 (1) Any antique firearm.

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

30

31 MANUFACTURER	MODEL	CALIBER
32		
33 BENELLI	MP90	.22LR
34 BENELLI	MP90	.32 S&W LONG
35 BENELLI	MP95	.22LR
36 BENELLI	MP95	.32 S&W LONG
37 HAMMERLI	280	.22LR
38 HAMMERLI	280	.32 S&W LONG
39 HAMMERLI	SP20	.22LR
40 HAMMERLI	SP20	.32 S&W LONG

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

11
12 (3) The Department of Justice shall create a program that is
13 consistent with the purposes stated in subdivision (b) to exempt
14 new models of competitive pistols that would otherwise fall within
15 the definition of “assault weapon” pursuant to this section from
16 being classified as an assault weapon. The exempt competitive
17 pistols may be based on recommendations by USA Shooting
18 consistent with the regulations contained in the USA Shooting
19 Official Rules or may be based on the recommendation or rules
20 of any other organization that the department deems relevant.

21 (d) For purposes of this section, the following definitions shall
22 apply:

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

26 (2) “Fixed magazine” means an ammunition feeding device
27 contained in, or permanently attached to, a firearm in such a
28 manner that the device cannot be removed without disassembly of
29 the firearm action.

30 SEC. 2. Section 30900 of the Penal Code is amended to read:

31 30900. (a) ~~Any~~A person who, prior to June 1, 1989, lawfully
32 possessed an assault weapon, as defined in former Section 12276,
33 as added by Section 3 of Chapter 19 of the Statutes of 1989, shall
34 register the firearm by January 1, 1991, and any person who
35 lawfully possessed an assault weapon prior to the date it was
36 specified as an assault weapon pursuant to former Section 12276.5,
37 as added by Section 3 of Chapter 19 of the Statutes of 1989 or as
38 amended by Section 1 of Chapter 874 of the Statutes of 1990 or
39 Section 3 of Chapter 954 of the Statutes of 1991, shall register the

1 firearm within 90 days with the Department of Justice pursuant to
2 those procedures that the department may establish.

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

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

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

28 SEC. 3. Section 30902 is added to the Penal Code, to read:

29 30902. (a) Any person who, from January 1, 2001, to
30 December 31, 2016, inclusive, lawfully acquired an assault weapon
31 that does not have a fixed magazine, as defined in Section 30515,
32 and including those weapons with an ammunition feeding device
33 that can be removed readily from the firearm with the use of a tool,
34 and who, on or after January 1, 2017, lawfully possesses that
35 firearm, shall register the firearm by July 1, 2018, with the
36 department pursuant to procedures determined by the department.

37 (b) Registrations shall be submitted either electronically, via
38 the Internet utilizing a public-facing application made available
39 by the department, or through a licensed firearms dealer.

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

8 (d) The department may charge a fee for registration not to
9 exceed fifteen dollars (\$15) per person, and not to exceed the
10 reasonable processing costs of the department for registrations.
11 The fee shall be paid at the time of registration, and shall be
12 deposited in the Dealers’ Record of Sale Special Account.

13 (e) The department shall adopt rules and regulations for the
14 purpose of implementing this subdivision. The regulations shall
15 be exempt from the Administrative Procedure Act.

16 (f) No individual shall be penalized for a violation of subdivision
17 (a) prior to July 1, 2018.

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