

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE MAY 1, 2013

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 567**

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**Introduced by Senator Jackson  
(Coauthors: Senators Hancock and Steinberg)**

February 22, 2013

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An act to amend Sections 17190 and 30900 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 567, as amended, Jackson. Firearms: shotguns.

(1) Existing law, for purposes of specified provisions, defines a shotgun as a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles or a single projectile for each pull of the trigger.

This bill would revise the definition of a shotgun to delete the requirement that it be intended to be fired from the shoulder, and would clarify that the projectile may be fired through either a rifled bore or a smooth bore. This bill would also delete an erroneous cross-reference.

(2) 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 defines a shotgun with a revolving cylinder as an assault weapon. 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, the Administrative Procedure Act, establishes the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would require any person who, from January 1, 2001, to December 31, 2013, inclusive, lawfully acquired a shotgun with a revolving cylinder, as defined, including those firearms subject to the revised definition of "shotgun," to register the firearm before July 1, ~~2014~~, 2015, with the department pursuant to those procedures that the department may establish. The bill would require registrations to be submitted electronically via the Internet, as specified. The 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. The bill would authorize the department to adopt regulations for the purpose of carrying out those provisions and would exempt those regulations from the Administrative Procedure Act. The bill would authorize the department to charge a fee for registration of each assault weapon of up to \$20 per firearm but not to exceed the reasonable processing costs of the department, as specified. The bill would require payment be made by debit or credit card, as specified. The bill would also make technical and conforming changes.

By changing the definition of an existing crime, this bill imposes 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 17190 of the Penal Code is amended to  
2 read:

1 17190. As used in Sections 16530, 16640, 16870, and 17180,  
2 Sections 17720 to 17730, inclusive, Section 17740, Section 30215,  
3 and Article 1 (commencing with Section 33210) of Chapter 8 of  
4 Division 10 of Title 4, “shotgun” means a weapon designed or  
5 redesigned, made or remade, and designed or redesigned and made  
6 or remade to use the energy of the explosive in a fixed shotgun  
7 shell to fire through a smooth bore or rifled bore either a number  
8 of projectiles (ball shot) or a single projectile for each pull of the  
9 trigger.

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

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

22 (2) Except as provided in Section 30600, any person who  
23 lawfully possessed an assault weapon prior to the date it was  
24 defined as an assault weapon pursuant to former Section 12276.1,  
25 as it read in Section 7 of Chapter 129 of the Statutes of 1999, and  
26 which was not specified as an assault weapon under former Section  
27 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989  
28 or as amended at any time before January 1, 2001, or former  
29 Section 12276.5, as added by Section 3 of Chapter 19 of the  
30 Statutes of 1989 or as amended at any time before January 1, 2001,  
31 shall register the firearm by January 1, 2001, with the department  
32 pursuant to those procedures that the department may establish.

33 (3) 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 (b) (1) Any person who, from January 1, 2001, to December  
38 31, 2013, inclusive, lawfully acquired a shotgun with a revolving  
39 cylinder, as defined in Sections 17190 and 30515 and who, after  
40 January 1, 2014, lawfully possesses that firearm, shall register the

1 firearm before July 1, ~~2014~~, 2015, with the department pursuant  
2 to those procedures that the department may establish by regulation  
3 pursuant to paragraph (4).

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

7 (3) The registration shall contain a description of the firearm  
8 that identifies it uniquely, including all identification marks, the  
9 date that the firearm was acquired, the name and address of the  
10 individual or business from whom the firearm was acquired, the  
11 registrant's full name, address, telephone number, date of birth,  
12 sex, height, weight, eye color, hair color, and ~~California Driver's~~  
13 ~~License or Identification~~ *driver's license or California*  
14 *identification card* number.

15 (4) The department may establish regulations for the purpose  
16 of implementing this subdivision. These regulations shall be  
17 exempt from the Administrative Procedure Act.

18 (c) The department may charge a fee for registration of each  
19 firearm of up to twenty dollars (\$20) but not to exceed the  
20 reasonable processing costs of the department. After the department  
21 establishes fees sufficient to reimburse the department for  
22 reasonable processing costs, fees charged shall increase at a rate  
23 not to exceed the department's reasonable processing costs. The  
24 fees shall be paid by debit or credit card at the time the electronic  
25 registration is submitted to the department and shall be deposited  
26 into the ~~Dealer's~~ *Dealers' Record of Sale Special Account*.

27 SEC. 3. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within  
34 the meaning of Section 6 of Article XIII B of the California  
35 Constitution.