

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

February 20, 2013

An act to amend Sections 16350 and 32310 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 396, as introduced, Hancock. Firearms: magazine capacity.

(1) Existing law, except as specified, defines capacity to accept more than 10 rounds to mean capable of accommodating more than 10 rounds, but specifies that this term does not apply to a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.

This bill would add that, to fall under the definition, the magazine body must only be of sufficient length to accommodate no more than 10 rounds of ammunition and the internal working parts of the magazine, including, but not limited to, the follower and spring.

(2) Existing law, except as specified, makes it a misdemeanor or specified felony punishable by imprisonment in a county jail for any person in this state to manufacture or cause to be manufactured, import into the state, keep for sale, or offer or expose for sale, or give, or lend, any large-capacity magazine.

This bill would make any person in this state who possesses any large-capacity magazine, regardless of the date the magazine was acquired, punishable by imprisonment in a county jail not exceeding one year.

By creating a new 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 16350 of the Penal Code is amended to
2 read:

3 16350. (a) As used in Section 30515, “capacity to accept more
4 than 10 rounds” means capable of accommodating more than 10
5 rounds. ~~The~~

6 (b) *The term defined in subdivision (a) does not apply to a*
7 *feeding device that has been permanently altered so that it cannot*
8 *accommodate more than 10 rounds or to a magazine body that is*
9 *only of sufficient length to accommodate up to 10 rounds of*
10 *ammunition and the internal working parts of the magazine,*
11 *including, but not limited to, the follower and spring.*

12 SEC. 2. Section 32310 of the Penal Code is amended to read:

13 32310. Except as provided in Article 2 (commencing with
14 Section 32400) of this chapter and in Chapter 1 (commencing with
15 Section 17700) of Division 2 of Title 2, ~~commencing January 1,~~
16 ~~2000~~, any person in this state who manufactures or causes to be
17 manufactured, imports into the state, keeps for sale, or offers or
18 exposes for sale, or who gives, or lends, *or possess* any
19 large-capacity magazine, *regardless of the date the magazine was*
20 *acquired*, is punishable by imprisonment in a county jail not
21 exceeding one year or imprisonment pursuant to subdivision (h)
22 of Section 1170.

23 SEC. 3. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 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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