

Date of Hearing: May 21, 2003

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Darrell Steinberg, Chair

AB 50 (Koretz) – As Amended: May 7, 2003

Policy Committee: Public Safety

Vote: 5-2

Urgency: No State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY

This bill amends the title of the Roberti-Roos Assault Weapons Control Act of 1989 to add "and the Koretz .50 BMG Rifle Control Act of 2003" and includes the .50 BMG within the provisions of the assault weapon law, which generally make it a felony to manufacture, distribute, transport, import, keep for sale, or furnish the gun, with the standard exceptions.

FISCAL EFFECT

- 1) Costs of up to \$100,000 for .50 BMG registration processing, issuing dangerous weapons permits, developing regulations and data processing to track .50 BMGs, fully offset by the \$25 fee.
- 2) Absorbable costs for an education campaign; the Department of Justice (DOJ) would likely include information about the new law into its annual bulletin to gun dealers and request the .50 Caliber Shooter's Association to post the information on its website.

The bill further specifies that any costs not covered by the \$25 fee will be funded from the DOJ's Dealer Record of Sale Special Account.

(These figures are based on DOJ's estimate that there may be as many as 3,600 .50 caliber BMGs in California.)

- 3) Unknown, probably minor to moderate annual costs for increased state prison commitments as a result of adding .50 caliber BMGs to the various assault weapons wobbler and felony penalty sections. Three two-year terms could increase annual costs by more than \$150,000 within two years, depending on sentence credits.

SUMMARY, CONTINUED

Specifically, this bill:

- 1) States legislative findings and declarations that .50 BMG rifles pose "a clear and present terrorist threat" to the health, safety and security of all residents.
- 2) Requires anyone who possesses a .50 caliber BMG rifle to register the gun with the DOJ or dispose of it by July 1, 2004.
- 3) Requires a permit from DOJ to acquire a .50 BMG after January 1, 2004.

- 4) Requires that registration information regarding any person who possesses or owns a .50 BMG be included in the Prohibited Armed Person File maintained by DOJ.
- 5) Authorizes DOJ to charge a \$25 processing fee for registration.
- 6) Establishes a method to register a lawfully owned .50 BMG rifle and provides that a person who registered his or her .50 BMG as an assault weapon is not be required to re-register the gun.
- 7) Requires DOJ to conduct an education campaign directed at .50 BMG rifle dealers and national associations regarding the provisions of this measure.
- 8) Makes it a wobbler to unlawfully possess a .50 BMG rifle, punishable by up to one year in county jail or 16 months, 2 or 3 years in state prison.
- 9) Provides that any person who commits an assault with a .50 BMG is guilty of a felony, punishable by 4, 8, or 12 years in state prison.

COMMENTS

- 1) Rationale. According to the author, "[t]he fifty-caliber sniper rifle is one of the United States military's highest-powered rifles, capable of ripping through armored limousines. It is said to be able to punch holes through military personnel carriers at a distance of 2,000 yards, the length of 20 football fields. It is deadly accurate at up to one mile and effective at more than four miles.

"Given the destruction this weapon can cause, I doubt most Californians would be comfortable knowing this gun is easier to buy than a small handgun. This bill ensures that terrorists and criminals do not gain access to this deadly weapon."

- 2) The .50 caliber BMG weighs between 28 to 60 pounds and comes in bolt action and semiautomatic versions. The term ".50 BMG" stands for Browning machine gun and is a technical designation for the round used in the weapon. The diameter of this type of round is one-half inch (or ".50") and the lengths vary from about three to six inches. Manufacturers of the rifles claim that the rifle is accurate up to 2,000 yards and effective up to 7,500 yards.
- 3) Support. According to the LA Sheriff's Department, "This weapon, which is readily available on the civilian market, can pierce armored vehicles and concrete structures from one mile away with pinpoint accuracy. In the hands of terrorists, .50 BMG sniper rifles pose a grave threat to airplanes, refineries or other potential targets."
- 4) Opposition. According to the .50 Caliber Shooter's Association, the .50 caliber target rifle has never been used in a criminal incident in California. The Association, and the California Rifle and Pistol Association, state that there is no crisis that warrants legislation to deprive our members of the right to own their target rifles."