

ASSEMBLY THIRD READING
AB 50 (Koretz)
As Amended June 2, 2003
Majority vote

PUBLIC SAFETY 5-2 APPROPRIATIONS 17-7

Ayes: Leno, Bermúdez, Goldberg, Koretz, Longville Ayes: Steinberg, Berg, Kehoe, Corbett, Diaz, Firebaugh, Goldberg, Leno, Nation, Chan, Nuñez, Pavley, Ridley-Thomas, Simitian, Wiggins, Yee, Laird

Nays: La Suer, Spitzer Nays: Bates, Daucher, Haynes, Maldonado, Pacheco, Runner, Samuelian

SUMMARY: Adds the .50 caliber BMG rifle to the list of dangerous weapons and creates new felonies for the manufacture, sale, or possession without a permit of this firearm. Specifically, this bill:

- 1) Provides that any person who commits an assault with a .50 BMG rifle is guilty of a felony, punishable by 4, 8, or 12 years in state prison.
- 2) Provides that any person who commits an assault against a peace officer or firefighter with a .50 BMG rifle is guilty of a felony, punishable by 6, 9, or 12 years in state prison.
- 3) Provides that registration information regarding any person who possesses or owns a .50 BMG rifle shall be maintained by the Department of Justice (DOJ).
- 4) Provides that any person who manufactures, imports, sells, gives, lends, or possesses any .50 BMG cartridge ammunition is guilty of an alternate felony/misdemeanor, with exceptions.
- 5) Provides that any person who legally possesses a .50 BMG rifle may legally possess the .50 BMG cartridge.
- 6) Defines a .50 BMG cartridge and a .50 BMG rifle.
- 7) Provides that where a person uses a .50 BMG rifle during the commission of a felony, he or she shall be subject to specified sentencing enhancements.
- 8) Allows the DOJ to issue permits for .50 BMG cartridges, as specified.
- 9) Provides that any person who unlawfully manufactures a .50 BMG rifle is guilty of a felony, punishable by four, six or eight years in state prison, with law enforcement exceptions.
- 10) Provides that any person who unlawfully possesses a .50 BMG rifle is guilty of an alternate misdemeanor/felony, and as an infraction if specified proof is provided, as specified.
- 11) Requires any person who possesses a .50 BMG rifle to register the firearm within 180 days.

- 12) Sets a specific process for transferring a .50 BMG rifle.
- 13) Establishes a method to register, and obtain a permit for, a .50 BMG rifle.
- 14) Allows a person to relinquish a .50 BMG rifle to a police or sheriff's department.
- 15) Requires DOJ to conduct an education campaign regarding the .50 BMG rifle laws.
- 16) Makes other minor technical changes to the firearm codes.

EXISTING LAW:

- 1) Generally requires that the sale, loan or transfer of a firearm (handguns, rifles and shotguns) in California must be conducted through a state-licensed firearms dealer or through a local sheriff's department, as specified. A 10-day waiting period, background check, and handgun safety certificate for handgun transfers are required prior to delivery of the firearm.
- 2) Provides that any person who unlawfully manufactures an assault weapon is guilty of a felony, punishable by imprisonment in the state prison for four, six, or eight years.
- 3) Provides that any person who unlawfully possesses an assault weapon is guilty of a public offense, punishable by an alternate felony misdemeanor.
- 4) Allows a person who lawfully possessed and registered an assault weapon with the DOJ to keep the weapon, as specified.

FISCAL EFFECT: According to the Assembly Appropriations Committee analysis:

- 1) "Costs of up to \$100,000 for .50 BMG registration processing, issuing dangerous weapons permits, developing regulations and data processing to track .50 MBGs, fully offset by the \$25 fee.
- 2) "Absorbable costs for an education campaign. This bill further specifies that any costs not covered by the \$25 fee will be funded from DOJ's Dealer Record of Sale Special Account.
- 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 an alternate misdemeanor/felony penalty sections. Three two-year terms could increase annual costs by more than \$150,000 within two years, depending on sentence credits."

COMMENTS: According to the author, "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. Placing some reasonable restrictions on those who can possess this weapon is just good public policy."

Please see the policy committee analysis for full discussion of this bill.

FN: 0001484