

California Bill 1446 (2016) vs. Proposition 63 (2016) vs. Chaptered Laws — Magazines

Penal Code Section	SB 1446	Proposition 63	Chaptered Law / Published at Leginfo
LARGE CAPACITY MAGAZINES	SECTION 1. Section 32310 of the Penal Code is amended to read:	SEC. 6. Possession of Large-Capacity Magazines. Section 32406 is hereby added to the Penal Code; Sections 32310, 32400, 32405, 32410, 32425, 32435, and 32450 of the Penal Code are hereby amended, and Section 32420 of the Penal Code is hereby repealed. Section 32310 of the Penal Code is amended to read:	
32310(a)	Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, buys, or receives any large-capacity magazine is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170.	Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, buys, or receives any large-capacity magazine is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170.	Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, buys, or receives any large-capacity magazine is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170.
32310(b)	Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing July 1, 2017, any person in this state who possesses any large-capacity magazine, regardless of the date the magazine was acquired, is guilty of an infraction punishable by a fine not to exceed one hundred dollars (\$100) upon the first offense, by a fine not to exceed two hundred fifty dollars (\$250) upon the second offense, and by a fine not to exceed five hundred dollars (\$500) upon the third or subsequent offense.	For purposes of this section, “manufacturing” includes both fabricating a magazine and assembling a magazine from a combination of parts, including, but not limited to, the body, spring, follower, and floor plate or end plate, to be a fully functioning large-capacity magazine.	For purposes of this section, “manufacturing” includes both fabricating a magazine and assembling a magazine from a combination of parts, including, but not limited to, the body, spring, follower, and floor plate or end plate, to be a fully functioning large-capacity magazine.
32310(c)	A person who, prior to July 1, 2017, legally possesses a large-capacity magazine shall dispose of that magazine by any of the following means:	Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing July 1, 2017, any person in this state who possesses any large-capacity magazine, regardless of the date the magazine was acquired, is guilty of an infraction punishable by a fine not to exceed one hundred dollars (\$100) per large-capacity magazine, or is guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100) per large-capacity magazine, by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.	Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing July 1, 2017, any person in this state who possesses any large-capacity magazine, regardless of the date the magazine was acquired, is guilty of an infraction punishable by a fine not to exceed one hundred dollars (\$100) per large-capacity magazine, or is guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100) per large-capacity magazine, by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.
32310(c)(1)	Remove the large-capacity magazine from the state.		
32310(c)(2)	Prior to July 1, 2017, sell the large-capacity magazine to a licensed firearms dealer.		
32310(c)(3)	Destroy the large-capacity magazine.		
32310(c)(4)	Surrender the large-capacity magazine to a law enforcement agency for destruction.		
32310(d)	For purposes of this section, “manufacturing” includes both fabricating a magazine and assembling a magazine from a combination of parts, including, but not limited to, the body, spring, follower, and floor plate or end plate, to be a fully functioning large-capacity magazine.	Any person who may not lawfully possess a large-capacity magazine commencing July 1, 2017 shall, prior to July 1, 2017:	Any person who may not lawfully possess a large-capacity magazine commencing July 1, 2017 shall, prior to July 1, 2017:

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32310(d)(1)		Remove the large-capacity magazine from the state;	Remove the large-capacity magazine from the state;
32310(d)(2)		Sell the large-capacity magazine to a licensed firearms dealer; or	Sell the large-capacity magazine to a licensed firearms dealer; or
32310(d)(3)		Surrender the large-capacity magazine to a law enforcement agency for destruction.	Surrender the large-capacity magazine to a law enforcement agency for destruction.
32310(e)	The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of this code shall not be punished under more than one provision.		
32311(a)			Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing January 1, 2014, any person in this state who knowingly manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, buys, or receives any large capacity magazine conversion kit is punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment in a county jail not to exceed six months, or by both that fine and imprisonment. This section does not apply to a fully assembled large-capacity magazine, which is governed by Section 32310.
32311(b)			For purposes of this section, a “large capacity magazine conversion kit” is a device or combination of parts of a fully functioning large-capacity magazine, including, but not limited to, the body, spring, follower, and floor plate or end plate, capable of converting an ammunition feeding device into a large-capacity magazine.
32315			Upon a showing that good cause exists, the Department of Justice may issue permits for the possession, transportation, or sale between a person licensed pursuant to Sections 26700 to 26915, inclusive, and an out-of-state client, of large-capacity magazines.
32390			Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any large-capacity magazine is a nuisance and is subject to Section 18010.
	SEC. 2. Section 32400 of the Penal Code is amended to read:	Section 32400 of the Penal Code is amended to read:	
32400	Section 32310 does not apply to the sale to, lending to, transfer to, purchase by, receipt of, possession of, or importation into this state of, a large-capacity magazine by a sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or a sworn federal law enforcement officer who is authorized to carry a firearm in the course and scope of that officer’s duties.	Section 32310 does not apply to the sale of, giving of, lending of, possession of, importation into this state of, or purchase of, any large-capacity magazine to or by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties, whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.	Section 32310 does not apply to the sale of, giving of, lending of, possession of, importation into this state of, or purchase of, any large-capacity magazine to or by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties, whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

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	SEC. 3. Section 32405 of the Penal Code is amended to read:	Section 32405 of the Penal Code is amended to read:	
32405	Section 32310 does not apply to the sale to, lending to, transfer to, purchase by, receipt of, possession of, or importation into this state of, a large-capacity magazine by a sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or a sworn federal law enforcement officer who is authorized to carry a firearm in the course and scope of that officer's duties.	Section 32310 does not apply to the sale to, lending to, transfer to, purchase by, receipt of, possession of, or importation into this state of, a large-capacity magazine by a sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of that officer's duties.	Section 32310 does not apply to the sale to, lending to, transfer to, purchase by, receipt of, possession of, or importation into this state of, a large-capacity magazine by a sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of that officer's duties.
	SEC. 4. Section 32406 is added to the Penal Code, to read:	Section 32406 of the Penal Code is added to the Penal Code, to read:	
32406		Subdivision (c) of Section 32310 does not apply to an honorably retired sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or honorably retired sworn federal law enforcement officer, who was authorized to carry a firearm in the course and scope of that officer's duties. "Honorably retired" shall have the same meaning as provided in Section 16690.	Subdivision (c) of Section 32310 does not apply to an honorably retired sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or honorably retired sworn federal law enforcement officer, who was authorized to carry a firearm in the course and scope of that officer's duties. "Honorably retired" shall have the same meaning as provided in Section 16690.
32406	Subdivisions (b) and (c) of Section 32310 do not apply to the following:		Subdivisions (b) and (c) of Section 32310 do not apply to the following:
32406(a)	An individual who honorably retired from being a sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or an individual who honorably retired from being a sworn federal law enforcement officer, who was authorized to carry a firearm in the course and scope of that officer's duties. For purposes of this section, "honorably retired" has the same meaning as provided in Section 16690.		An individual who honorably retired from being a sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or an individual who honorably retired from being a sworn federal law enforcement officer, who was authorized to carry a firearm in the course and scope of that officer's duties. For purposes of this section, "honorably retired" has the same meaning as provided in Section 16690.
32406(b)	A federal, state, or local historical society, museum or institutional society, or museum or institutional collection, that is open to the public, provided that the large-capacity magazine is unloaded, properly housed within secured premises, and secured from unauthorized handling.		A federal, state, or local historical society, museum or institutional society, or museum or institutional collection, that is open to the public, provided that the large-capacity magazine is unloaded, properly housed within secured premises, and secured from unauthorized handling.
32406(c)	A person who finds a large-capacity magazine, if the person is not prohibited from possessing firearms or ammunition, and possessed it no longer than necessary to deliver or transport it to the nearest law enforcement agency.		A person who finds a large-capacity magazine, if the person is not prohibited from possessing firearms or ammunition, and possessed it no longer than necessary to deliver or transport it to the nearest law enforcement agency.
32406(d)	A forensic laboratory, or an authorized agent or employee thereof in the course and scope of his or her authorized activities.		A forensic laboratory, or an authorized agent or employee thereof in the course and scope of his or her authorized activities.
32406(e)	The receipt or disposition of a large-capacity magazine by a trustee of a trust, or an executor or administrator of an estate, including an estate that is subject to probate, that includes a large-capacity magazine.		The receipt or disposition of a large-capacity magazine by a trustee of a trust, or an executor or administrator of an estate, including an estate that is subject to probate, that includes a large-capacity magazine.

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32406(f)	A person lawfully in possession of a firearm that the person obtained prior to January 1, 2000, if no magazine that holds 10 or fewer rounds of ammunition is compatible with that firearm and the person possesses the large-capacity magazine solely for use with that firearm.		A person lawfully in possession of a firearm that the person obtained prior to January 1, 2000, if no magazine that holds 10 or fewer rounds of ammunition is compatible with that firearm and the person possesses the large-capacity magazine solely for use with that firearm.
	SEC. 5. Section 32410 of the Penal Code is amended to read:	Section 32410 of the Penal Code is amended to read:	
32410	Section 32310 does not apply to the possession, sale, or purchase of any large-capacity magazine to or by a person licensed pursuant to Sections 26700 to 26915, inclusive.	Section 32310 does not apply to the sale, purchase, or possession of any large-capacity magazine to or by a person licensed pursuant to Sections 26700 to 26915, inclusive.	Section 32310 does not apply to the sale, purchase, or possession of any large-capacity magazine to or by a person licensed pursuant to Sections 26700 to 26915, inclusive.
32415			Section 32310 does not apply to the loan of a lawfully possessed large-capacity magazine between two individuals if all of the following conditions are met:
32415(a)			The person being loaned the large-capacity magazine is not prohibited by Chapter 1 (commencing with Section 29610), Chapter 2 (commencing with Section 29800), or Chapter 3 (commencing with Section 29900) of Division 9 of this title or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition.
32415(b)			The loan of the large-capacity magazine occurs at a place or location where the possession of the large-capacity magazine is not otherwise prohibited, and the person who lends the large-capacity magazine remains in the accessible vicinity of the person to whom the large-capacity magazine is loaned.
	SEC. 6. Section 32420 of the Penal Code is repealed.	Section 32420 of the Penal Code is repealed.	
	SEC. 7. Section 32425 of the Penal Code is amended to read:	Section 32425 of the Penal Code is amended to read:	
32425	Section 32310 does not apply to either of the following:	Section 32310 does not apply to any of the following:	Section 32310 does not apply to any of the following:
32425(a)	The lending or giving of any large-capacity magazine to, or possession of that magazine by, a person licensed pursuant to Sections 26700 to 26915, inclusive, or to a gunsmith, for the purposes of maintenance, repair, or modification of that large-capacity magazine.	The lending or giving of any large-capacity magazine to a person licensed pursuant to Sections 26700 to 26915, inclusive, or to a gunsmith, for the purposes of maintenance, repair, or modification of that large-capacity magazine.	The lending or giving of any large-capacity magazine to a person licensed pursuant to Sections 26700 to 26915, inclusive, or to a gunsmith, for the purposes of maintenance, repair, or modification of that large-capacity magazine.
32425(b)	The return to its owner of any large-capacity magazine by a person specified in subdivision (a).	The possession of any large-capacity magazine by a person specified in subdivision (a) for the purposes specified in subdivision (a).	The possession of any large-capacity magazine by a person specified in subdivision (a) for the purposes specified in subdivision (a).
32425(c)		The return to its owner of any large-capacity magazine by a person specified in subdivision (a).	The return to its owner of any large-capacity magazine by a person specified in subdivision (a).

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	SEC. 8. Section 32430 of the Penal Code is amended to read:		
32430	Section 32310 does not apply to the possession of, importation into this state of, or sale of, any large-capacity magazine by a person who has been issued a permit to engage in those activities pursuant to Section 32315, when those activities are in accordance with the terms and conditions of that permit.		Section 32310 does not apply to the possession of, importation into this state of, or sale of, any large-capacity magazine by a person who has been issued a permit to engage in those activities pursuant to Section 32315, when those activities are in accordance with the terms and conditions of that permit.
	SEC. 9. Section 32435 of the Penal Code is amended to read:	Section 32435 of the Penal Code is amended to read:	
32435	Section 32310 does not apply to any of the following:	Section 32310 does not apply to any of the following:	Section 32310 does not apply to any of the following:
32435(a)	The sale of, giving of, lending of, possession of, importation into this state of, or purchase of, any large-capacity magazine, to or by any entity that operates an armored vehicle business pursuant to the laws of this state.	The sale of, giving of, lending of, possession of, importation into this state of, or purchase of, any large-capacity magazine, to or by any entity that operates an armored vehicle business pursuant to the laws of this state.	The sale of, giving of, lending of, possession of, importation into this state of, or purchase of, any large-capacity magazine, to or by any entity that operates an armored vehicle business pursuant to the laws of this state.
32435(b)	The lending of large-capacity magazines by an entity specified in subdivision (a) to its authorized employees, and the possession of those large-capacity magazines by those authorized employees, while in the course and scope of employment for purposes that pertain to the entity's armored vehicle business.	The lending of large-capacity magazines by an entity specified in subdivision (a) to its authorized employees, while in the course and scope of employment for purposes that pertain to the entity's armored vehicle business.	The lending of large-capacity magazines by an entity specified in subdivision (a) to its authorized employees, while in the course and scope of employment for purposes that pertain to the entity's armored vehicle business.
32435(c)	The return of those large-capacity magazines to the entity specified in subdivision (a) by those employees specified in subdivision (b).	The possession of any large-capacity magazines by the employees of an entity specified in subdivision (a) for purposes that pertain to the entity's armored vehicle business.	The possession of any large-capacity magazines by the employees of an entity specified in subdivision (a) for purposes that pertain to the entity's armored vehicle business.
32435(d)		The return of those large-capacity magazines to the entity specified in subdivision (a) by those employees specified in subdivision (b).	The return of those large-capacity magazines to the entity specified in subdivision (a) by those employees specified in subdivision (b).
32440			Section 32310 does not apply to any of the following:
32440(a)			The manufacture of a large-capacity magazine for any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties, whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.
32440(b)			The manufacture of a large-capacity magazine for use by a sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is authorized to carry a firearm in the course and scope of that officer's duties.
32440(c)			The manufacture of a large-capacity magazine for export or for sale to government agencies or the military pursuant to applicable federal regulations.
32445			Section 32310 does not apply to the loan of a large-capacity magazine for use solely as a prop for a motion picture, television, or video production.

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	SEC. 10. Section 32450 of the Penal Code is amended to read:	Section 32450 of the Penal Code is amended to read:	
32450	Section 32310 does not apply to the purchase or possession of a large-capacity magazine by the holder of a special weapons permit issued pursuant to Section 31000, 32650, or 33300, or pursuant to Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing with Section 32700) of Chapter 6 of this division, for any of the following purposes:	Section 32310 does not apply to the purchase or possession of a large-capacity magazine by the holder of a special weapons permit issued pursuant to Section 31000, 32650, or 33300, or pursuant to Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing with Section 32700) of Chapter 6 of this division, for any of the following purposes:	Section 32310 does not apply to the purchase or possession of a large-capacity magazine by the holder of a special weapons permit issued pursuant to Section 31000, 32650, or 33300, or pursuant to Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing with Section 32700) of Chapter 6 of this division, for any of the following purposes:
32450(a)	For use solely as a prop for a motion picture, television, or video production.	For use solely as a prop for a motion picture, television, or video production.	For use solely as a prop for a motion picture, television, or video production.
32450(b)	For export pursuant to federal regulations.	For export pursuant to federal regulations.	For export pursuant to federal regulations.
32450(c)	For resale to law enforcement agencies, government agencies, or the military, pursuant to applicable federal regulations.	For resale to law enforcement agencies, government agencies, or the military, pursuant to applicable federal regulations.	For resale to law enforcement agencies, government agencies, or the military, pursuant to applicable federal regulations.
	SEC. 11. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.		
Resources			
SB 1446	http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB1446		
Proposition 63	https://www.oag.ca.gov/system/files/initiatives/pdfs/15-0098%20(Firearms)_0.pdf		
Chaptered Law*	http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=PEN&division=&title=&part=6.&chapter=&article=		
<i>*as of May 2017</i>			

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