
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 693 **Hearing Date:** June 20, 2017
Author: Irwin
Version: June 12, 2017
Urgency: Yes **Fiscal:** No
Consultant: GC

Subject: *Firearms*

HISTORY

Source: California State Sheriffs' Association

Prior Legislation: None

Support: Chief Probation Officers of California

Opposition: None known

Assembly Floor Vote: 76 - 0

PURPOSE

The purpose of this bill is provide that a person enrolled in the course of basic training prescribed by the Commission on Peace Officers Standards and Training (POST) or any course certified by POST for purposes of participation in the course are exempt from specified prohibitions related to firearms.

Existing law defines a "large-capacity magazine" as any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

- A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds;
- A .22 caliber tube ammunition feeding device; or,
- A tubular magazine that is contained in a lever-action firearm. (Pen. Code, § 16740.)

Existing law states, except as provided, any person in California who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine is punishable by imprisonment in the county jail for either a misdemeanor or a felony. (Pen. Code, § 32310, subd. (a).)

Existing law states, except as provided, 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 exceeding 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. (Pen. Code, § 32310, subd. (b).)

Existing law provides that a person legally possessing a large-capacity magazine prior to July 1, 2017, shall dispose of the magazine by any of the following means:

- Remove the large-capacity magazine from the state;
- Prior to July 1, 2017, sell the large-capacity magazine to a licensed firearms dealer;
- Destroy the large-capacity magazine; and,
- Surrender the large-capacity magazine to a law enforcement agency for destruction. (Pen. Code, § 32310, subd. (c).)

Existing law provides the following exceptions to the prohibition against manufacturing or causing to be manufactured, importing into the state, keeping for sale, or offering or exposing for sale, or giving, or lending, any large-capacity magazine:

- Government agency charged with law enforcement (Pen. Code, § 32400);
- Sworn peace officer who is authorized to carry a firearm in the course and scope of that officer's duties (Pen. Code, § 32405);
- Sale or purchase by a licensed person (Pen. Code, § 32410);
- Loan under specified circumstances (Pen. Code, § 32415);
- Importation by a person in legal possession prior to January 1, 2000 (Pen. Code, § 32420);
- Delivery to a gun smith (Pen. Code, § 32425);
- Person with permit to sell to an out-of-state client (Pen. Code, § 32430);
- Entity that operates armored vehicle business (Pen. Code, § 32435);
- Manufacture for government agency or military (Pen. Code, § 32440);
- Use as a prop (Pen. Code, § 32445); or,
- Holder of a special weapons permit for specified purposes (Pen. Code, § 32450).

Existing law requires all peace officers to complete an introductory course of training prescribed by POST, demonstrated by passage of an appropriate examination developed by POST. (Pen. Code, § 832, subd. (a).)

Existing law establishes POST. (Pen. Code, § 13500.)

Existing law empowers POST to develop and implement programs to increase the effectiveness of law enforcement. (Pen. Code, § 13503.)

Existing law authorizes POST, for the purpose of raising the level of competence of local law enforcement officers, to adopt rules establishing minimum standards related to physical, mental and moral fitness and training that shall govern the recruitment of any peace officers in California. (Pen. Code, § 13510, subd. (a).)

Existing law requires POST to conduct research concerning job-related educational standards and job-related selection standards to include vision, hearing, physical ability, and emotional stability and adopt standards supported by this research. (Pen. Code, § 13510, subd. (b).)

Existing law requires POST to establish a certification program for peace officers, which shall be considered professional certificates. (Pen. Code, § 13510.1, subd. (a).)

This bill provides that a person enrolled in the course of basic training prescribed by the Commission on Peace Officers Standards and Training (POST) or any course certified by POST for purposes of participation in the course are exempt from:

- The requirement that the loan of a firearm be conducted through a licensed firearms dealer;
- The prohibition against the possession, sale, purchase, gift or loan of large-capacity magazines; and
- The requirement that ammunition be purchased through a licensed ammunition vendor.

COMMENTS

1. Need for This Bill

According to the author:

In 2016, the voters approved Proposition 63, which adopted a number of gun control measures in California. Prop. 63 exempts sworn peace officers from a number of its provisions, however individuals who are enrolled in a training program to become sworn peace officers (cadets) are not necessarily exempt. This is problematic because it does not allow cadets to receive adequate training. Currently, cadets lawfully may not train with large-capacity magazines and other firearms that they may be expected to use as officers. Proposition 63 permits amendments that are “consistent with and further the intent” of the Act. Because law enforcement officers are already exempt from some of Proposition 63’s provision, it is both important and consistent with the intent of the Proposition that cadets are also exempt so that they may be adequately trained for the job.

2. Proposition 63

Proposition 63 (Prop 63) was a ballot initiative that passed on the November 8, 2016 California ballot. The following provisions were included in Prop 63:

- Requires background checks and California Department of Justice (DOJ) authorization to purchase ammunition.
- Prohibits possession of large-capacity magazines.
- Establishes procedures for enforcing laws prohibiting firearm possession by specified persons.
- Requires DOJ’s participation in the federal National Instant Criminal Justice Background Check System.

3. Impacts of Proposition 63 on the Training of Law Enforcement Officers

Under current law, the provisions of Prop 63, regulate the transfer of firearms, restrict the use of large-capacity magazines, and regulate the sale of ammunition. Prop. 63 exempts sworn peace officers from a number of its provisions, however individuals who are enrolled in a training program to become sworn peace officers (cadets) are not necessarily exempt.

As law enforcement officers are already exempt from some of Proposition 63's provision, it is consistent with the provisions of the Proposition that cadets are may also be exempt so that they may be adequately trained for the job. AB 693 makes it legal for cadets to borrow firearms and practice with large-capacity magazines, and purchase ammunition at a firing range.

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