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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

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**Bill No:** SB 1346                      **Hearing Date:** April 24, 2018  
**Author:** Jackson  
**Version:** February 16, 2018  
**Urgency:** No                                      **Fiscal:** No  
**Consultant:** GC

**Subject:** *Firearms: Multiburst Trigger Activators*

## HISTORY

Source: Author

Prior Legislation: None known

Support: California State Sheriffs' Association; City of Santa Monica; Los Angeles County Sheriff Department; Women Against Gun Violence

Opposition: Firearms Policy Coalition

## PURPOSE

*The purpose of this bill is to clarify that “multiburst trigger activators” include bump fire stocks and bump fire stock attachments.*

*Existing law* provides that 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, lends, or possesses any multiburst trigger activator is punishable by a misdemeanor carrying up to one year in the county jail, or a felony carrying 16 months, two or three years in county jail. (Pen. Code, § 32900.)

*Existing law* provides that any multiburst trigger activator is considered a nuisance and subject to provisions of law permitting the Attorney General, a district attorney, or city attorney to bring an action enjoining the manufacture of, importation of, keeping for sale of, offering for exposing for sale, giving, lending, or possession of. (Pen Code, §§ 18010 & 32990.)

*Existing law* defines “multiburst trigger activator” as either of the following:

- A device designed or redesigned to be attached to a semiautomatic firearm, which allows the firearm to discharge two or more shots in a burst by activating the device.
- A manual or power-driven trigger activating device constructed and designed so that when attached to a semiautomatic firearm it increases the rate of fire of that firearm.

*This bill* specifies that “multiburst trigger activator” shall include, but is not limited to, a bump fire stock or bump fire stock attachment.

## COMMENTS

### 1. Need for This Bill

According to the author:

Bump stocks, also known as multiburst trigger activators, in plain English, are a type of firearm modification. A bump stock is an accessory that modifies a semiautomatic rifle so that it can fire shots continuously as long as the shooter keeps the rifle against his or her shoulder. The bump stock takes the place of the gun's standard stock (the piece of the rifle that rests against the shooter's shoulder). By holding down the trigger and simultaneously placing pressure on the barrel of the gun, a shooter using a bump stock can shoot almost as quickly as an automatic firearm.

Bump stocks were reportedly used in the Las Vegas massacre, the deadliest mass shooting in modern American history. Between 10:05 and 10:15 p.m. on October 1, 2017, 64-year-old [Stephen Paddock](#) of [Mesquite, Nevada](#), fired more than 1,100 rounds from his suite on the 32nd floor of the [Mandalay Bay](#) Hotel. By the end of Paddock's shooting spree, 58 people were dead and another 851 injured. In the wake of this horrific event, and in light of porous borders between states, we want it to be unmistakably clear in California that possession, sale, transfer, and import of these devices is a crime punishable by up to three years in jail.

In October after the Las Vegas shooting, the Attorney General felt it necessary to issue an advisory to gun retailers, reminding them that bump stocks are illegal under California law. With SB 1346, we seek to clarify the law even further to ensure there is no confusion about what firearm accessories are legal, and illegal, in the state.

### 2. Las Vegas Shooting

On October 1, 2017 the deadliest mass shooting committed by an individual in the history of the United States was perpetrated by Stephen Paddock in Las Vegas California. 851 people were injured and 59 people lost their lives, including the perpetrator of the shooting. Paddock utilized 24 guns in the course of the shooting. Many of these weapons were semi-automatic rifles that he utilized a bump fire stocks to modify his weapons so that they functioned with a firing rate similar to the rate of a fully automatic rifle.

This bill would clarify that bump fire stocks and bump fire stock attachments are considered multiburst trigger activators under California law. Possession, manufacture, and sale of these items is punishable as an alternate felony/misdemeanor under California law.

### 3. Argument in Support

According to the *City of Santa Monica*:

The mass shooting in Las Vegas this past year demonstrated the extraordinary threat that devices such as bump stocks pose and the unbelievable amount of damage that they can be used to inflict. These devices were developed to let an individual fire a semi-automatic firearm at a rate comparable to an automatic weapon. These devices are blatant attempts to circumvent the spirit of legislation meant to keep automatic weapons off the street and keep Californians safe.

### 4. Argument in Opposition

According to the *Firearms Policy Coalition*:

On October 19, 2017, California Attorney General Xavier Becerra issued a statement that began, “In 1990, California Outlawed Bump Stocks.” (See statement at <http://bit.ly/2017-10-19-becerra>.) That is, by any objective view, as straightforward and plain of a statement on the law as one can have. But, in case that was not clear enough, the A.G.’s statement went on to say that his DOJ “today issued an advisory reminding gun retailers that bump stocks, also known as ‘multiburst trigger activators’ because they accelerate the rapid-fire capacity of a firearm, are illegal in California. . . . The advisory, issued to 2,300 dealers across California, references California Penal Code 16930, which defines bump stocks, and Penal Code 32900 and 32990, which make them illegal. Any person in the State who possesses, manufactures, imports into the state, offers for sale, or who gives or lends one of the devices has committed a crime. Penalties for violating the law can include up to three years imprisonment.” It is difficult to imagine a less explicit position.

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