

Date of Hearing: June 2, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 2847 (Chiu) – As Amended May 7, 2020

Policy Committee: Public Safety

Vote: 6 - 1

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

**SUMMARY:**

This bill requires, commencing July 1, 2022, all semiautomatic pistols not already listed on the Department of Justice (DOJ) roster of not unsafe handguns (Roster), be equipped with chamber load indicators, magazine disconnect mechanisms and microstamping technology. Specifically, this bill:

- 1) Requires, commencing July 1, 2022, all semiautomatic pistols that are not already listed on the Roster, be designed and equipped with a microscopic array of characters that identify the make, model, and serial number of the pistol, etched or otherwise imprinted in one or more places on the interior surface of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired.
- 2) Mandates the DOJ, for each newly added semiautomatic pistol added to the Roster, remove from the Roster exactly three semiautomatic pistols lacking microstamping technology.

**FISCAL EFFECT:**

- 1) One-time costs (GF/Dealer Record of Sale Fund) of between \$150,000 and \$300,000 for DOJ to draft and accept public comment on new regulations related to new Roster requirements and changes to the microstamping technology requirements.
- 2) Costs (GF) possibly in the low hundreds of thousands of dollars annually beginning in fiscal year (FY) 2022-23 and annually thereafter for DOJ to test firearms for microstamping ability and inclusion on the Roster. Costs will depend on the number of firearms submitted to DOJ for microstamp testing. If only a few firearms are submitted to DOJ annually, costs will be absorbable. However, if dozens or hundreds of firearms are submitted, DOJ will likely need additional staff to test firearms for microstamping capacity.

**COMMENTS:**

- 1) **Purpose.** According to the author:

AB 2847 eases [existing microstamping] compliance by requiring newly developed semiautomatic pistol models etch microstamping characters on one place on the interior of the firearm, as opposed to two as currently required. AB 2847 furthers implementation of the new Unsafe Handgun Act requirements by directing the AG to remove three

previously grandfathered handgun models from the roster for each new compliant handgun model that is introduced.

- 2) **Microstamping.** AB 1471 (Feuer), Chapter 573, Statutes of 2007 requires all semiautomatic pistols not already listed on the Roster to imprint identifying marks on the cartridge case. A microscopic array of characters that identify the make, model, and serial number of the pistol, must be imprinted in two or more places on the interior surface or internal working parts of the pistol. The implementation of AB 1471 was delayed until the AG certified that the technology used to create the imprint was available to more than one manufacturer unencumbered by any patent restrictions. On May 17, 2013, the AG notified firearms dealers that microstamping technology was available from more than one manufacturer. However, many pistol manufacturers allege it is too difficult to imprint unique characters on two internal parts of the pistol. This bill, instead, requires only one imprint on the interior surface of the pistol.
- 3) **Roster.** SB 15 (Polanco), Chapter 248, Statutes of 1999, made it a misdemeanor for any person in California to manufacture, import for sale, offer for sale, give or lend any “unsafe” handgun, with certain exceptions. An “unsafe” handgun means any handgun not listed on the DOJ’s Roster. SB 15 further defined an “unsafe handgun” as: (a) a handgun that does not have a requisite safety device, (b) a handgun that does not meet specified firing tests and (c) a handgun that does not meet a specified drop safety test. Handguns not listed on the Roster may not be bought or sold if used. Private party transfers, curio and relic handguns and certain single-action revolvers are exempt from this requirement.

Some newer model firearms are not yet fully compliant with California’s microstamping law and, as a result, are technically considered “unsafe” and not listed on the DOJ’s Roster. This bill requires semiautomatic handguns must be equipped with microstamping technology, chamber load indicators, and magazine disconnect mechanisms in order to be listed on the DOJ roster. However, for each new model added to the roster, the DOJ will be required to remove from the roster three semiautomatic pistols that lack one or more of the above features, in reverse order of their addition to the roster.

- 4) **Arguments in Support.** According to the Brady United Against Gun Violence:

The microstamping mandate in AB 2847 will significantly improve law enforcement’s ability to identify shooters and gun traffickers, apprehend them before they do more harm, and hold them accountable. Also, AB 2847 will ensure that more, and eventually all, handguns sold in California will comply with the other important Unsafe Handgun Act design safety standards on a rolling basis. These standards work to prevent unintentional shootings and will protect California consumers.

- 5) **Arguments in Opposition.** According to the California Sportsman’s Lobby:

The models currently on the roster are popular, not unsafe, and should continue to be available to sportsmen and other lawful individuals regardless of whether new models are added. If the new models that comply with the requirements of AB 2847 are added to the roster, the current list of pistols that sportsmen and others can buy will eventually be reduced by two-thirds, even though such models are not unsafe.