
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2019 - 2020 Regular Session

AB 2847 (Chiu) - Firearms: unsafe handguns

Version: July 2, 2020

Urgency: No

Hearing Date: August 13, 2020

Policy Vote: PUB. S. 5 - 2

Mandate: Yes

Consultant: Shaun Naidu

Bill Summary: AB 2847 would revise the criteria for an unsafe handgun relative to pistols and would require the Department of Justice (DOJ) to remove three semiautomatic pistols from the roster of not unsafe handguns for each semiautomatic pistol that is newly added to the roster, as specified.

Fiscal Impact: Costs to DOJ in the hundreds of thousands of dollars annually for two to five years to, in part, promulgate regulations prompted by this measure and, potentially, related to IT system changes and litigation. (General Fund, special funds*)

*Firearms Safety and Enforcement Special Fund & Firearm Safety Account

Background: Existing law defines an "unsafe handgun" as a pistol, revolver, or other firearm that is capable of being concealed upon a person that (i) does not have a requisite safety device; (ii) does not meet specified firing tests; (iii) does not meet a specified drop safety test; (iv) is not equipped with a chamber load indicator, starting in 2006 for semiautomatic centerfire pistols not already on the roster; (iv) does not have a magazine disconnect mechanism, starting in 2007 for semiautomatic centerfire pistols or rimfire pistols with a detachable magazine that are not already on the roster; and (vi) is not 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 at least two places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired (i.e., microstamping technology), starting in 2010 for firearms that are not already on the roster, provided that DOJ certifies that the technology used to create the imprint is available to more than one manufacturer unencumbered by any patent restrictions. (Pen. Code, § 31910.) (The department issued the certification on May 17, 2013.)

Any concealable firearm manufactured in California, imported for sale, kept for sale, or offered for sale must be tested within a reasonable period of time by an independent laboratory, certified by DOJ, to determine whether it meets the required safety standards. (Pen. Code, § 32010.) A person in this state who manufactures or causes to be manufactured, imports into California for sale, keeps for sale, offers or exposes for sale, gives, or lends an unsafe handgun is punished by imprisonment in county jail for up to one year, except that specified law enforcement entities and sworn officers employed by those entities may purchase and may be sold an unsafe handgun, provided they store the firearms properly. (Pen. Code, § 32000.)

Proposed Law: This bill, effective July 1, 2022, would revise the criteria for unsafe handguns by requiring the microstamp to be imprinted in one place on the interior of the handgun. It also would require DOJ, for every new firearm added to the roster, to remove, as specified, three firearms from the roster that are not compliant with current

requirements. Nonsubstantively, it would revise language related to the chamber load indicator and magazine disconnect mechanism provisions for pistols related to the definition of an “unsafe handgun.”

Related Legislation: AB 2733 (Harper, 2017-2018 Reg. Sess.) would have deleted the requirement that firearms be manufactured with microstamping technology that leaves an imprint on each cartridge case when the firearm is fired. AB 2733 failed passage in the Assembly Committee on Public Safety.

AB 1471 (Feuer, Ch. 573, Stats. 2007) required all semiautomatic pistols not already listed on the roster to imprint identifying marks on the cartridge case in at least two places on the interior surface or internal working parts of the pistol.

SB 489 (Scott, Ch. 500, Stats. 2003) required a chamber load indicator for semiautomatic centerfire pistols and a magazine disconnect mechanism for, both, semiautomatic centerfire and rimfire pistols with a detachable magazine in order for these firearms to be added to the roster.

SB 15 (Polanco, Ch. 248, Stats. 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.

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