

Memorandum 2007-19

**Nonsubstantive Reorganization of Deadly Weapon Statutes:
Revised Tentative Outline**

At the April meeting, the Commission considered a draft of a tentative outline for new Part 6 of the Penal Code, which would be entitled "Control of Deadly Weapons." The staff has since revised the outline to incorporate the Commission's decisions regarding the proper treatment of Penal Code Sections 12020, 12028, 12029, and 12079. The revised outline is attached as Exhibit pages 1-21. Also attached is draft legislation showing two different means of dealing with the exemptions to Penal Code Section 12020 that apply to several different types of weapons and equipment. See Exhibit pp. 23-24 (Alternative #1), 25-31 (Alternative #2). Commissioners and interested persons should review the revised tentative outline and other materials and assess whether the outline is satisfactory as a basis for drafting a tentative recommendation.

Several points are worth mentioning:

Penal Code Section 12001. Definitions

Penal Code Section 12001 consists primarily of definitions, which would be placed in "Division 1. Definitions" of "Title 1. Preliminary Provisions." However, subdivisions (k), (l), and (m) state substantive rules. In the revised tentative outline, the substance of these subdivisions would be placed as follows:

- Subdivision (k) clarifies, for twelve specified provisions, that a distinct and separate offense may be charged for each proscribed item, notwithstanding the use of the phrase "any firearm." The substance of subdivision (k) would be placed in "Chapter 1. General Provisions" of "Division 1. Preliminary Provisions" of "Title 4. Firearms and Similar Weapons." Exhibit p. 9.
- Subdivision (l) clarifies that a distinct and separate offense may be charged for each proscribed item under Penal Code Section 12020. Its substance would be placed in "Division 2. Generally Prohibited Weapons" of "Title 2. Weapons Generally." Exhibit p. 2.

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

- Subdivision (m), which specifies fingerprint requirements for any application requiring a firearms eligibility determination, would be placed in “Chapter 5. Firearms Eligibility Check” of “Division 10. Special Firearm Rules Relating to Particular Persons” of “Title 4. Firearms and Similar Weapons.” Exhibit p. 14.

Penal Code Section 12020. Manufacture, Import, Sale, Gift, Loan, or Possession of Specified Weapons

Penal Code Section 12020 is an extremely long provision that generally prohibits the manufacture, import, sale, gift, loan, or possession of a long list of weapons and associated equipment. In April, the Commission decided to divide up the material in this provision according to the type of weapon or equipment covered. In implementing that decision, the staff took a number of steps that should be pointed out.

Generally Prohibited Weapons

Although the material in Section 12020 will be divided up according to the type of weapon or equipment covered, in some places it will be necessary to refer collectively to the types of weapons and equipment now listed in that section. That could be facilitated by introducing a new term, such as “generally prohibited weapon,” to refer to any item now listed in Section 12020.

The revised tentative outline would place such a definition in “Division 2. Generally Prohibited Weapons” of “Title 2. Weapons Generally.” See Exhibit p. 2. We chose this approach, rather than placing the definition in “Division 1. Definitions” of “Title 1. Preliminary Provisions,” because we thought it would be helpful to have a part of the code specifically intended for provisions that pertain collectively to the items now listed in Section 12020. For example, the revised tentative outline would place Penal Code Section 12001(l), which clarifies what constitutes a distinct and separate offense under Penal Code Section 12020, together with the definition of “generally prohibited weapon.” As we work on this study, we might find other material that would fit in that part of the code. In particular, see the discussion of “Exemptions” below.

Explosive Substance Other Than Fixed Ammunition

Among the many types of weapons and equipment restricted by Section 12020(a) is “any explosive substance, other than fixed ammunition.” The term “fixed ammunition” is not defined in Title 2 of Part 4 of the Penal Code. It is generally understood, however, to refer to ammunition consisting of a cartridge

that contains a projectile (bullet), a primer, and a fixed amount of propellant (gunpowder). It is not the only kind of ammunition that can be used in a firearm; there are also other types, such as ammunition in which the amount of propellant is adjustable (semi-fixed ammunition) and ammunition in which the projectile and propellant are loaded separately (separate loading ammunition).

Consequently, the phrase “any explosive substance, other than fixed ammunition” could encompass ammunition to be used in a firearm (e.g., loose gunpowder), as well as an explosive substance that is not for use in a firearm (e.g., a stick of dynamite). The revised tentative outline would therefore place the provisions relating to “any explosive substance, other than fixed ammunition” in “Title 2. Weapons Generally,” rather than “Title 3. Weapons Other Than Firearms” or “Title 4. Firearms and Similar Weapons.” See Exhibit p. 2.

Because many of the provisions governing a “destructive device” also govern an “explosive,” the provisions relating to “any explosive substance, other than fixed ammunition” would be placed in the same division as the provisions relating to a “destructive device.” That part of “Title 2. Weapons Generally” would be entitled “Division 5. Destructive Devices, Explosives, and Similar Weapons.” The provisions in Section 12020 relating to a metal military practice handgrenade or metal replica handgrenade would also be placed here, because a grenade is included in the definition of a “destructive device.” Penal Code § 12301.

Saps and Similar Weapons

Section 12020 also restricts “any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag.” The terms “blackjack,” “slungshot,” “billy,” “sandclub,” “sap,” and “sandbag” are not statutorily defined.

We consulted case law, a number of different dictionaries, and other sources to gain a sense of how the terms are used. As the definitions and comments below reflect, the terms may not be synonymous but there appears to be some overlap and all of the terms appear to refer to some variety of an instrument that can be wielded by hand to club a person with a hard object:

Billy

“‘Billy’ is defined as a bludgeon, as one for carrying in the pocket; a policeman’s club.” *People v. Mulherin*, 140 Cal. App. 212, 216, 35 P.2d 174 (1934).

"[T]here is, according to the testimony, little if any difference between a billy and a blackjack, and the possession of either instrument is denounced by the statute." *People v. Makovsky*, 3 Cal. 2d 366, 368, 44 P.2d 536 (1935).

"[A] club or heavy stick; truncheon, esp. one carried by a policeman." (Webster's New World Dictionary, 2d College ed. 1980)

"A short stick or club, especially a police officer's club." (The Free Dictionary by Farlex)

Blackjack

"'Black-jack' is defined as a short bludgeon consisting of a heavy head, as of metal, on an elastic shaft or with a flexible handle" *Mulherin*, 140 Cal. App. at 216.

"A blackjack ... is a small, easily concealed weapon consisting of a leather-wrapped weight attached to the end of a leather-wrapped coil-spring or rigid shaft, with a lanyard or strap on the end opposite the weight." <www.answers.com/topic/billy-club>

"[A] small, leather-covered bludgeon with a flexible handle." (Webster's New World Dictionary, 2d College ed. 1980)

Sandbag

"A bag filled with sand, used as ... a weapon." (Webster's New International Dictionary, 2d ed. 1954)

"[A] small, narrow bag filled with sand and used as a weapon." (Webster's New World Dictionary, College ed. 1966)

Sandclub

"A 'Sand Club' is just what it sounds like. A Sack of Sand used as an improvised blackjack. Just like a bar of soap or a lock in a sock, etc." <www.donrearic.com/sap.html>

Sap

"A 'sap' is more commonly known as a 'blackjack.' It is 'a small striking weapon typically consisting at the striking end of a leather-enclosed piece of lead or other heavy metal and at the handle end of a strap or springy shaft that increases the forces of impact.'" *Dawkins v. City of Los Angeles*, 22 Cal. 3d 126, 138 n.4, 583 P.2d 711, 148 Cal. Rptr. 857 (Bird, J., dissenting) (citations omitted).

"... Norris hit Lamp with a sap (a plastic bag filled with lead weights), then" *People v. Bittaker*, 48 Cal. 3d 1046, 1065, 774 P.2d 659, 259 Cal. Rptr. 630 (1989).

"The weapon, which consisted of a wool sock in which there was a leather sack containing lead buckshot, was found on a bed in the apartment. The sap had broken open, and buckshot was on the bed and all over the floor." *People v. Tahl*, 65 Cal. 2d 719, 741, 423 P.2d 246, 56 Cal. Rptr. 318 (1967).

“[A] blackjack, short club, etc.” (Webster’s New World Dictionary, 2d College ed. 1980)

Slungshot

“California case law provides a clear definition of ‘slungshot.’ In [an earlier case], the court adopted the following dictionary definition: ‘a small mass of metal or stone fixed on a flexible handle, strap or the like, used as a weapon.’” *People v. Fannin*, 91 Cal. App. 4th 1399, 1401-02, 111 Cal. Rptr. 2d 496 (2001) (footnote omitted).

Notably, the court in *Mulherin* observed that a blackjack, slungshot, billy, sandclub, and sandbag

are all ... short, easily concealed upon the person and so weighted as to constitute effect and silent weapons of attack. Any one of them, in our opinion, would be properly described by the general term, a “sap,” and we believe that a sand-bag, such as a piece of hose loaded with sand, is occasionally correctly described as a black-jack.

140 Cal. App. at 215; *see also Fannin*, 91 Cal. App. 4th at 1402.

Given the overlap among these items, and the way they are currently grouped together in Section 12020, it seems advisable not to try to sharply differentiate between them in reorganizing the statute. The revised tentative outline would therefore place the provisions relating to these items together in a division entitled “Saps and Similar Weapons,” rather than creating a separate division for each item.

The same division would also contain two provisions that refer to wooden clubs or batons used by law enforcement personnel. Penal Code §§ 12002, 12020(b)(14). This appears appropriate because “billy” is typically defined as a stick used by a police officer.

In addition, the division entitled “Saps and Similar Weapons” would include the provisions relating to a “leaded cane,” which is defined as “a staff, crutch, stick, rod, pole, or similar device, unnaturally weighted with lead.” Penal Code § 12020(c)(17). From the name and description, it may well be that a “leaded cane” is longer and less easily concealed than an “instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag.” The concepts seem similar, however, so it might make sense to place the provisions in the same part of the code. We encourage input on this point.

Exemptions

Subdivision (b) of Section 12020 lists numerous situations in which the prohibitions of the statute do not apply. Many of these exemptions specifically refer to one type of weapon or another. For instance, subdivision (b)(3) refers to a nunchaku. The revised tentative outline would place the substance of this exemption in “Division 7. Nunchaku” of “Title 3. Weapons Other Than Firearms.” Other exemptions that specifically refer to a particular type of weapon would be treated similarly.

However, some of the exemptions in subdivision (b) are broad, applying to more than one type of weapon. For example, subdivision (b)(9) creates an exemption for an instrument or device possessed by a historical society, museum, or institutional collection:

(b) Subdivision (a) does not apply to any of the following:

....

(9) Instruments or devices that are possessed by federal, state, and local historical societies, museums, and institutional collections which are open to the public, provided that these instruments or devices are properly housed, secured from unauthorized handling, and, if the instrument or device is a firearm, unloaded.

Other broad exemptions are:

- **Subdivision (b)(5).** Antique firearm
- **Subdivision (b)(7).** Firearm or ammunition constituting curio or relic
- **Subdivision (b)(8).** “Any other weapon” as defined by 26 U.S.C. § 5845(e) in possession of person permitted to possess it under federal Gun Control Act of 1968
- **Subdivision (b)(10).** Instrument or device, other than short-barreled shotgun or short-barreled rifle, possessed or used during motion picture, television, video production, or entertainment event
- **Subdivision (b)(11).** Person who sells instruments or devices other than short-barreled shotgun or short-barreled rifle, to institutional collection or for entertainment event
- **Subdivision (b)(12).** Weapon, device, or ammunition, other than short-barreled shotgun or short-barreled rifle, sold to, possessed by, or purchased by law enforcement agency, or possessed by peace officer
- **Subdivision (b)(13).** Person who sells weapons, devices, or ammunition, other than short-barreled shotguns or short-barreled rifles, to law enforcement agencies

- **Subdivision (b)(16).** Transportation of instrument, ammunition, weapon, or device, other than firearm, to law enforcement agency for disposition according to law
- **Subdivision (b)(17).** Transportation of firearm to law enforcement agency for disposition according to law
- **Subdivision (b)(18).** Possession of weapon, device, or ammunition by forensic laboratory

These exemptions present a drafting issue: Should the Commission attempt to determine which of these exemptions apply to a particular type of weapon (e.g., a nunchaku) and then place the substance of the applicable exemptions in the part of the code for that type of weapon? Or should the substance of these exemptions simply be placed in the part of the code for “Generally Prohibited Weapons”?

For purposes of illustration, the revised tentative outline follows the former approach. For each type of weapon now listed in Section 12020, the staff has tentatively assessed which of the broad exemptions potentially apply to that type of weapon. These assessments are only very preliminary. If the Commission decides to proceed with this approach, we would take a closer look at the exemptions as we do the actual drafting for each type of weapon and reassess which exemptions potentially apply to that type of weapon.

The main advantage of this approach is that all of the exemptions to a particular substantive rule would be stated close to the rule itself. That would help make the applicable law readily understandable.

Another advantage of the approach is that it may facilitate future legislative evaluation of whether a particular exemption really should apply to a particular type of weapon. For instance, does it make sense to have an exemption for transportation of “an explosive substance, other than fixed ammunition” to a law enforcement agency according to law? Reorganizing the existing provisions as proposed in the outline may make such issues easier to spot than they are at present.

The key downside of the approach is the risk of inadvertently changing the law with regard to whether a particular exemption is potentially applicable to a particular type of weapon. For instance, the exemption for possession by a historical society, museum, or institutional collection applies to “[i]nstruments or devices.” Would it be permissible for a museum to possess a flechette dart? Is a flechette dart an “instrument” or “device” within the meaning of the exemption,

or is it “ammunition” (a term used in some of the other exemptions) and thus not encompassed by the exemption? Reorganizing the existing provisions as proposed in the outline would require resolution of many such issues.

From the standpoint of preparing a nonsubstantive reorganization of existing law, a safer approach than the one in the outline would be to place the substance of the broad exemptions to Section 12020 (i.e., subdivisions (b)(5), (7)-(13), (16)-(18)) in the part of the code for “Generally Prohibited Weapons.” To assist persons using the code, these exemptions could be cross-referenced in the Comment to each provision prohibiting a particular type of weapon.

This alternative approach would not be as user-friendly as the approach in the outline. However, it is critical to ensure that the reforms proposed by the Commission “[n]either expand nor contract the scope of criminal liability under current provisions,” as directed by the Legislature. See 2006 Cal. Stat. res. ch. 128.

The staff therefore **leans towards placing the substance of subdivisions (b)(5), (7)-(13), and (16)-(18) of Section 12020 in “Division 2. Generally Prohibited Weapons” of “Title 2. Weapons Generally.”** We are interested to hear what persons with expertise in the law governing deadly weapons have to say on this point.

To facilitate the Commission’s decision on how to proceed, we have attached alternative drafts illustrating the two different approaches, focusing on the provisions relating to a nunchaku. The first draft (Exhibit pp. 23-24) implements the approach shown in the revised tentative outline. The second draft (Exhibit pp. 25-31) implements the alternative approach, in which the substance of the broad exemptions to Section 12020 would be placed in “Division 2. Generally Prohibited Weapons” of “Title 2. Weapons Generally.” This draft is much longer than the first one, because we have included the definition of “generally prohibited weapon” and the substance of all of the broad exemptions to Section 12020, not just the ones that appear applicable to a nunchaku.

Penal Code Section 12028. Unlawful Concealed Carrying of Specified Weapons as Nuisance

Penal Code Section 12028 provides that the concealed carrying of certain weapons is a nuisance. The provision also specifies procedures for surrendering such weapons to law enforcement authorities and handling surrendered weapons.

At the April meeting, the Commission decided to divide up the material in Section 12028 according to the type of weapon or equipment covered, as detailed at page 10 of CLRC Memorandum 2007-15. Generally applicable language was to be placed in “Title 2. Weapons Generally;” two provisions relating to firearms generally were to be placed in the division on “Miscellaneous Rules Relating to Firearms Generally” located in “Title 4. Firearms and Similar Weapons.”

In implementing this decision, the staff concluded that instead of placing the generally applicable language in a different part of the code from the provisions relating to firearms generally, it would be more user-friendly to consolidate all of that material (Section 12029(b)-(f)) in one part of the code. The revised tentative outline would place the material in “Division 3. Weapons Constituting a Nuisance” of “Title 2. Weapons Generally.” Exhibit p. 2.

Penal Code Section 12029. Deadly Weapons that Constitute Nuisance

Penal Code Section 12029 is another provision specifying that certain weapons constitute a nuisance. It includes a catchall provision, shown in italics below:

12029. Except as provided in Section 12020, blackjacks, slungshots, billies, nunchakus, sandclubs, sandbags, shurikens, metal knuckles, short-barreled shotguns or short-barreled rifles as defined in Section 12020, *and any other item which is listed in subdivision (a) of Section 12020 and is not listed in subdivision (a) of Section 12028* are nuisances

At the April meeting, the Commission decided to divide up the material in this provision according to the type of weapon or equipment covered, with generally applicable language to be placed in the title on “Weapons Generally.” Minutes (April 2007), p. 10. Implementing this decision required assessment of which weapons and equipment fall within the catchall provision — i.e., which weapons and equipment are “listed in subdivision (a) of Section 12020 and ... not listed in subdivision (a) of Section 12029”

By comparing the two provisions, the staff determined that the following weapons and equipment fall within the catchall provision: an air gauge knife, ammunition containing or consisting of any flechette dart, a ballistic knife, a belt buckle knife, a bullet containing or carrying an explosive agent, a camouflaging firearm container, a cane gun, a cane sword, a firearm not immediately recognizable as a firearm, a large-capacity magazine, a leaded cane, a lipstick case knife, a metal military practice handgrenade or metal replica handgrenade,

a multiburst trigger activator, a sap, a shobi-zue, an unconventional pistol, an undetectable firearm, a wallet gun, a writing pen knife, and a zip gun.

In the revised tentative outline, the substance of the catchall provision would be included in the part of the code relating to each of these types of weapons and equipment. For example, the chapter on an air gauge knife would include:

Chapter 2. Air Gauge Knife

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to an air gauge knife)

Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to an air gauge knife)

Penal Code § 12020(c)(18). "Air gauge knife"

Penal Code § 12029 (as its catchall provision pertains to an air gauge knife)

This seemed the most clear and logical means of handling the catchall provision.

EVOLVING NATURE OF OUTLINE

The Commission should consider the points raised in this memorandum and determine whether to make any changes in the revised tentative outline that is attached as Exhibit pages 1-21. The staff will then use the revised tentative outline as a basis for drafting the tentative recommendation for this study.

Commissioners and interested persons should bear in mind, however, that even after it receives approval (as is or with revisions), the revised tentative outline will remain a work in progress. If a better means of organizing the substantive material comes to the Commission's attention later in this study, the outline could and should still be revised as appropriate.

Respectfully submitted,

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NONSUBSTANTIVE REORGANIZATION OF THE DEADLY WEAPONS STATUTES:
TENTATIVE OUTLINE FOR A NEW PART 6 OF THE PENAL CODE (5/30/07)

The following is a tentative outline for a new Part 6 of the Penal Code, which would contain most of the material now in Title 2 of Part 4 of the Penal Code (Control of Deadly Weapons).

The outline does not include Penal Code Sections 12021.5-12022.95, which are sentencing enhancement provisions. Those provisions would be left where they are in Title 2, and Title 2 would be relabeled "Sentence Enhancements."

The outline also omits Penal Code Section 12078, a lengthy provision consisting of numerous exceptions to other provisions. The Commission plans to divide up the material in that statute such that each exception is stated close to each general rule it modifies. CLRC Minutes (April 2007), p. 9. It would be overly complicated to try to reflect that decision in the outline.

Under some of the proposed new headings in the outline, there is a list of "Material to be included." Within each list of "Material to be included," the statutes are listed in numerical order, not necessarily the order in which the material would be placed under the new heading.

Many of the existing statutes are long and may be divided into a number of different sections. In this tentative outline, especially long sections (ones that are more than two pages long in the attachment to CLRC Memorandum 2007-17) are indicated by the symbol "⌘".

Penal Code Section 12001 consists of numerous definitions; most of its substance would be placed in "Division 1. Definitions" of "Title 1. Preliminary Provisions." Many other provisions in the outline also contain definitions. As the Commission drafts new Part 6, it will determine whether each definition should be placed in "Division 1. Definitions" of "Title 1. Preliminary Provisions," or kept close to the substantive material in which the definition is used.

Part 6. Control of Deadly Weapons

Title 1. Preliminary Provisions

Division 1. Definitions

Material to be included:

⌘ Penal Code § 12001(a)-(j), (n)-(r). Definitions

Title 2. Weapons Generally

Division 1. Miscellaneous Rules Relating to Weapons Generally

Material to be included:

**Penal Code § 12020.5. Advertising sale of prohibited
weapon or device**

Penal Code § 12024. Bearing deadly weapon with intent to assault

Penal Code § 12590. Picketing with deadly weapon or in uniform of peace officer

Division 2. Generally Prohibited Weapons

Material to be included:

Definition of “generally prohibited weapon” to mean any weapon now listed in § 12020(a)

Penal Code § 12001(l). Distinct and separate offense as to each firearm, weapon, or device violating § 12020

Division 3. Weapons Constituting a Nuisance

Material to be included:

Penal Code § 12028(b). Firearm constituting nuisance

Penal Code § 12028(e). Nuisance provision inapplicable to firearm possessed by Department of Fish & Game, used in violation of Fish & Game Code, or forfeited under Pub. Res. Code § 5008.6

Penal Code § 12028(c)-(d), (f). Surrender of weapon constituting nuisance

Penal Code § 12029 (to the extent it states procedures applicable to specified weapons constituting a nuisance)

Division 4. Seizure of Firearm or Other Deadly Weapon at Scene of Domestic Violence

Material to be included:

Penal Code § 12028.5. Seizure of firearm or other deadly weapon at scene of domestic violence

Division 5. Destructive Devices, Explosives, and Similar Weapons

Chapter 1. Destructive Devices and Explosives Generally

Material to be included:

Penal Code § 12020(a), last ¶, 2d sent. Bullet containing or carrying explosive agent is not “destructive device”

Penal Code § 12301. “Destructive device” and “explosive”

Penal Code § 12302. Use of destructive device or explosive by law enforcement, military, or firefighter

Penal Code § 12303. Unlawful possession of destructive device

- Penal Code § 12303.1. Explosive or destructive device on vessel, aircraft, car, or other vehicle**
- Penal Code § 12303.2. Reckless or malicious possession of explosive or destructive device in public place**
- Penal Code § 12303.3. Use or attempted use of destructive device with intent to cause fear or harm**
- Penal Code § 12306. Sale or transportation of destructive device other than fixed ammunition greater than .60 caliber**
- Penal Code § 12304. Sale, possession, or transport of fixed ammunition greater than .60 caliber**
- Penal Code § 12305. Permit for destructive device**
- Penal Code § 12307. Destructive device constituting nuisance**
- Penal Code § 12308. Use or attempted use of destructive device with intent to commit murder**
- Penal Code § 12309. Willful and malicious use of explosive or destructive device resulting in bodily injury**
- Penal Code § 12310. Willful and malicious use of explosive or destructive device resulting in death, mayhem, or great bodily injury**
- Penal Code § 12311. No probation or suspension of sentence**
- Penal Code § 12312. Possession of materials with intent to create destructive device or explosive**

Chapter 2. Explosive Substance Other Than Fixed Ammunition

Material to be included:

- Penal Code § 12020(a)(3). Prohibition against concealed carrying of explosive substance other than fixed ammunition**
- Penal Code § 12020(b)(7) (9)-(13), (16) & (18) (to the extent those exemptions pertain to an explosive substance other than fixed ammunition)**
- Penal Code § 12028(a) (as it pertains to unlawful concealed carrying of an explosive substance other than fixed ammunition)**

Chapter 3. Handgrenades

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to a metal military practice handgrenade or metal replica handgrenade)

Penal Code § 12020(a), last ¶, 1st sent. Punishment for first offense involving handgrenade

Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to a metal military practice handgrenade or metal replica handgrenade)

Penal Code § 12020(b)(15). Toy or permanently inoperative handgrenade

Penal Code § 12029 (as its catchall provision pertains to a metal military practice handgrenade or metal replica handgrenade)

Division 6. Less Lethal Weapons

Material to be included:

Penal Code § 12600. Less lethal weapon or ammunition for use by peace officer or custodial officer

Penal Code § 12601. "Less lethal weapon" and "less lethal ammunition"

Title 3. Weapons Other Than Firearms

Division 1. Blowguns

Material to be included:

Penal Code § 12580. "Blowgun"

Penal Code § 12581. "Blowgun ammunition"

Penal Code § 12582. Unlawful acts relating to blowguns or blowgun ammunition

Penal Code § 12583. Use of blowgun or blowgun ammunition by veterinarian or animal control professional

Division 2. Boobytrap

Material to be included:

Penal Code § 12355. Boobytrap

Division 3. Cane Sword

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to a cane sword)

Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to a cane sword)

Penal Code § 12020(c)(15). "Cane sword"

Penal Code § 12029 (as its catchall provision pertains to a cane sword)

Division 4. Knives

Chapter 1. General Provisions

Material to be included:

Penal Code § 12020(d). "Concealed" knife

Chapter 2. Air Gauge Knife

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to an air gauge knife)

Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to an air gauge knife)

Penal Code § 12020(c)(18). "Air gauge knife"

Penal Code § 12029 (as its catchall provision pertains to an air gauge knife)

Chapter 3. Ballistic Knife

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to a ballistic knife)

Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to a ballistic knife)

Penal Code § 12020(c)(8). "Ballistic knife"

Penal Code § 12029 (as its catchall provision pertains to a ballistic knife)

Chapter 4. Belt Buckle Knife

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to a belt buckle knife)

Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to a belt buckle knife)

Penal Code § 12020(c)(13). "Belt buckle knife"

Penal Code § 12029 (as its catchall provision pertains to a belt buckle knife)

Chapter 5. Dirk or Dagger

Material to be included:

- Penal Code § 12020(a)(4). Prohibition against concealed carrying of dirk or dagger**
- Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to a dirk or dagger)**
- Penal Code § 12020(c)(24). "Dirk" or "dagger"**
- Penal Code § 12028(a) (as it pertains to unlawful concealed carrying of dirk or dagger)**

Chapter 6. Lipstick Case Knife

Material to be included:

- Penal Code § 12020(a)(1) (as it pertains to a lipstick case knife)**
- Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to a lipstick case knife)**
- Penal Code § 12020(c)(14). "Lipstick case knife"**
- Penal Code § 12029 (as its catchall provision pertains to a lipstick case knife)**

Chapter 7. Switchblade Knife

Material to be included:

- Penal Code § 653k. Switchblade knife**
- Penal Code § 12028(a) (as it pertains to unlawful possession or carrying of a switchblade knife)**

Chapter 8. Undetectable Knife

Material to be included:

- Penal Code § 12001.1. Undetectable knife**

Chapter 9. Writing Pen Knife

Material to be included:

- Penal Code § 12020(a)(1) (as it pertains to a writing pen knife)**
- Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to a writing pen knife)**
- Penal Code § 12020(c)(19). "Writing pen knife"**
- Penal Code § 12029 (as its catchall provision pertains to a writing pen knife)**

Division 5. Knuckles

Chapter 1. Hard Plastic Knuckles

Material to be included:

Penal Code § 12020.1. Hard plastic knuckles

Chapter 2. Metal Knuckles

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to metal knuckles)

Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to metal knuckles)

Penal Code § 12020(c)(7). "Metal knuckles"

Penal Code § 12029 (as it pertains to metal knuckles)

Division 6. Nunchaku

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to a nunchaku)

Penal Code § 12020(b)(3)-(4). Nunchaku for school teaching arts of self-defense

Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to a nunchaku)

Penal Code § 12020(c)(3). "Nunchaku"

Penal Code § 12029 (as it pertains to a nunchaku)

Division 7. Saps and Similar Weapons

Material to be included:

Penal Code § 12002. Wooden club or baton for law enforcement purposes

Penal Code § 12020(a)(1) (as it pertains to a leaded cane)

Penal Code § 12020(a)(1) (as it pertains to a blackjack, slungshot, billy, sandclub, sap, or sandbag)

Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to a blackjack, slungshot, billy, sandclub, sap, or sandbag)

Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to a leaded cane)

Penal Code § 12020(b)(14). Entity selling wooden clubs or batons to special police officers or uniformed security guards

Penal Code § 12020(c)(17). "Leaded cane"

Penal Code § 12029 (as it pertains to a blackjack, slungshot, billy, sandclub, or sandbag)

Penal Code § 12029 (as its catchall provision pertains to a leaded cane)

Penal Code § 12029 (as its catchall provision pertains to a sap)

Division 8. Shobi-zue

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to a shobi-zue)

Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to a shobi-zue)

Penal Code § 12020(c)(16). "Shobi-zue"

Penal Code § 12029 (as its catchall provision pertains to a shobi-zue)

Division 9. Shuriken

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to a shuriken)

Penal Code § 12020(b)(9)-(13), (16) & (18) (to the extent those exemptions pertain to a shuriken)

Penal Code § 12020(c)(11). "Shuriken"

Penal Code § 12029 (as it pertains to a shuriken)

Division 10. Stun Gun

Material to be included:

Penal Code § 12650. "Stun gun"

Penal Code § 12651. Unlawful acts relating to stun guns

Penal Code § 12652. Serial number and name of manufacturer

Penal Code § 12653. Violation punishable as misdemeanor

Penal Code § 12654. Instruction booklet for stun gun

Division 11. Tear Gas Weapons

Material to be included:

Penal Code § 12401. "Tear gas"

Penal Code § 12402. "Tear gas weapon"

Penal Code § 12403. Peace officer trained in use of tear gas

Penal Code § 12403.1. Member of military or federal law enforcement officer

Penal Code § 12403.5. Private investigator or private patrol operator or employee

Penal Code § 12403.7. Lawful and unlawful acts relating to tear gas and tear gas weapons
Penal Code § 12403.8. Minor 16-years-old or older
Penal Code § 12403.9. Custodial officers of any county
Penal Code § 12404. Tear gas or tear gas weapons in prison, jail, or similar institution
Penal Code § 12420. Unlawful sale, possession, or transport of tear gas or tear gas weapon
Penal Code § 12421. Affixation of serial number and name of manufacturer
Penal Code § 12422. Obliteration of serial number, name of manufacturer, or other identification mark
Penal Code § 12423. Permit issued by Department of Justice
Penal Code § 12424. Permit application
Penal Code § 12424.5. Permit for bank or other financial institution
Penal Code § 12425. Storage of permit
Penal Code § 12426. Revocation or suspension of permit

Title 4. Firearms and Similar Weapons

Division 1. Preliminary Provisions

Chapter 1. General Provisions

Material to be included:

Penal Code § 12000. Dangerous Weapons Control Law

Penal Code § 12001(k). Distinct and separate offense despite reference to “any firearm”

Penal Code § 12003. Severability

Chapter 2. Definitions

Material to be included:

Penal Code § 12001.6. Violent use of firearm

Division 2. Firearms Safety Devices

Material to be included:

Penal Code § 12087. Aroner-Scott-Hayden Firearms Safety Act of 1999

Penal Code § 12087.5. Legislative findings

Penal Code § 12087.6. Definitions

Penal Code § 12088. Duties of the Department of Justice

Penal Code § 12088.1 Firearms safety device requirement
Penal Code § 12088.15. Prohibited acts
Penal Code § 12088.2. Minimum safety standard
Penal Code § 12088.3. Warning label
Penal Code § 12088.4. Nonconforming device
**Penal Code § 12088.5. Report of incident in which child
suffers unintentional or self-inflicted gunshot wound**
Penal Code § 12088.6. Punishment
Penal Code § 12088.7. Effect of compliance
Penal Code § 12088.8 Limitations on application of Act
Penal Code § 12088.9. Fee

Division 3. Disguised or Misleading Appearance

Chapter 1. Miscellaneous Provisions

Material to be included:

**Penal Code § 12020.3. Bright orange or bright green
firearm**

Chapter 2. Firearm Not Immediately Recognizable as a
Firearm

Material to be included:

**Penal Code § 12020(a)(1) (as it pertains to a firearm
not immediately recognizable as a firearm)**

**Penal Code § 12020(b)(5), (7)-(13) & (17)-(18) (to the
extent those exemptions pertain to a firearm not
immediately recognizable as a firearm)**

**Penal Code § 12029 (as its catchall provision pertains
to a firearm not immediately recognizable as a
firearm)**

Chapter 3. Undetectable Firearm

Material to be included:

**Penal Code § 12020(a)(1) (as it pertains to an
undetectable firearm)**

**Penal Code § 12020(b)(5), (7)-(13) & (17)-(18) (to the
extent those exemptions pertain to an
undetectable firearm)**

Penal Code § 12020(c)(22). "Undetectable firearm"

**Penal Code § 12029 (as its catchall provision pertains
to an undetectable firearm)**

Chapter 4. Obliteration of Identification Marks

Material to be included:

Penal Code § 12090. Obliteration of firearm identification marks prohibited

Penal Code § 12091. Presumption

Penal Code § 12092. Assignment of number or mark when firearm lacks one

Penal Code 12093. Additional number or identifying indicium

Penal Code § 12094. Possession, sale, or purchase of firearm with knowledge of obliteration of identifying number or mark

Chapter 5. BB Devices and Imitation Firearms

Material to be included:

Penal Code § 12550. Definitions

Penal Code § 12551. Prohibition against sale of BB device to minor

Penal Code § 12552. Prohibition against furnishing BB device to minor without parental permission

Penal Code § 12553. Failure to comply with law governing appearance of imitation firearm or specified devices

Penal Code § 12554. Advisory requirement for imitation firearm

Penal Code § 12555. Unlawful commercial activities relating to imitation firearms

Penal Code § 12556. Display of imitation firearm in public place

Division 4. Storage of Firearms

Material to be included:

☞ Penal Code § 12035. Criminal storage of firearm

☞ Penal Code § 12036. Storage of firearm where child obtains access and carries firearm off-premises

Division 5. Carrying Firearms

Chapter 1. Miscellaneous Rules Relating to Carrying Firearms

Material to be included:

Penal Code § 12040. Carrying firearm in public while masked to hide identity

Chapter 2. Carrying Concealed Firearm

Material to be included:

- ☞ **Penal Code § 12025. Carrying concealed firearm**
 - Penal Code § 12025.5. Carrying concealed firearm when in grave danger**
 - Penal Code § 12026. Carrying or possession of firearm at place of residence, place of business, or other private property of person**
 - Penal Code § 12026.1. Carrying firearm in locked container**
- ☞ **Penal Code § 12026.2. Miscellaneous exemptions from restriction on carrying concealed firearm**
- ☞ **Penal Code § 12027. Additional exemptions from restriction on carrying concealed firearm**
 - Penal Code § 12027.1. Identification certificate authorizing peace officer or retired peace officer to carry concealed and loaded firearm**
 - Penal Code § 12028(a) (as it pertains to unlawful concealed carrying of handgun)**

Chapter 3. Carrying Loaded Firearm

Material to be included:

- ☞ **Penal Code § 12031. Carrying loaded firearm**
 - Penal Code § 12031.1. Rocket or other emergency or distress signaling device**
 - Penal Code § 12033. Certificate for carrying loaded firearm**
 - Penal Code § 12034. Loaded firearm in motor vehicle**

Chapter 4. License to Carry Pistol, Revolver, or Other Firearm Capable of Being Concealed Upon Person

Material to be included:

- ☞ **Penal Code § 12050. License to carry pistol, revolver, or other firearm capable of being concealed upon person**
 - Penal Code § 12050.2. Written policy**
 - Penal Code § 12051. License application**
 - Penal Code § 12052. Fingerprint and Department of Justice report**
 - Penal Code § 12052.5. Notification of applicant**
 - Penal Code § 12053. Duties of licensing authority**
 - Penal Code § 12054. Application fee**

Division 6. Sale, Lease, or Transfer of Firearms

Chapter 1. License Requirement for Sale, Lease, or Transfer of Firearms

Material to be included:

- ☞ **Penal Code § 12070. License requirement for sale, lease, or transfer of firearms**

Chapter 2. Issuance, Forfeiture, and Conditions of License to Sell Firearms at Retail

Material to be included:

- ☞ **Penal Code § 12071. Issuance, forfeiture, and conditions of license to sell firearms at retail**
- Penal Code § 12083. Centralized list of exempted federal firearms licensees**

Chapter 3. Gun Show or Event

Material to be included:

- ☞ **Penal Code § 12071.1. Gun show or event**
- Penal Code § 12071.4. Gun Show Enforcement and Security Act of 2000**

Chapter 4. Prohibited and Required Acts Relating to Firearm Sales or Other Transfers

Material to be included:

- ☞ **Penal Code § 12072. Prohibited and required acts relating to firearm sales or other transfers**
- Penal Code § 12082. Procedure for sale, loan, or transfer of firearm**

Chapter 5. Recordkeeping and Background Checks Relating to Sale, Lease, or Transfer of Firearms

Material to be included:

- Penal Code § 12073. Register or record of electronic or telephonic transfer**
- Penal Code § 12074. Requirements for preparation of register or record**
- Penal Code § 12075. Duties relating to register**
- ☞ **Penal Code § 12076. Submission of firearm purchaser information to Department of Justice**
- Penal Code § 12076.5. Firearms Safety and Enforcement Special Fund**
- ☞ **Penal Code § 12077. Form of register and record of electronic transfer**

Division 8. Manufacture of Firearms

Material to be included:

Penal Code § 12085. Prohibition against unlicensed manufacture of firearm

☞ **Penal Code § 12086. Issuance, forfeiture, and conditions of license to manufacture firearms**

Division 9. Miscellaneous Rules Relating to Firearms Generally

Material to be included:

Penal Code § 12023. Armed criminal action

Penal Code § 12081. Entertainment Firearms Permit

Division 10. Special Firearm Rules Relating to Particular Persons

Chapter 1. Juvenile

Material to be included:

Penal Code § 12101. Juvenile in possession of live ammunition or firearm capable of being concealed on person

Chapter 2. Person Convicted of Violent Felony

Material to be included:

☞ **Penal Code § 12021.1. Firearm possession or control by person convicted of violent felony**

Chapter 3. Person Convicted of Specified Offense, Addicted to Narcotic, or Subject to Court Order

Material to be included:

☞ **Penal Code § 12021. Firearm acquisition, possession, or control by person convicted of specified offense, addicted to narcotic, or subject to court order**

Chapter 4. Prohibited Armed Persons File

Material to be included:

Penal Code § 12010. Prohibited Armed Persons File

Penal Code § 12011. Use of Prohibited Armed Persons File

Penal Code § 12012. Assistance by Attorney General

Chapter 5. Firearms Eligibility Check

Material to be included:

Penal Code § 12001(m). Fingerprint requirement

Penal Code § 12077.5. Firearms eligibility check

Division 11. Special Rules Relating to Particular Types of Firearms
or Firearm Equipment

Chapter 1. Ammunition

Material to be included:

- Penal Code § 12020(a)(1) (as it pertains to a bullet containing or carrying an explosive agent)**
- Penal Code § 12020(a)(1) (as it pertains to flechette dart ammunition)**
- Penal Code § 12020(b)(6). Tracer ammunition for use in shotgun**
- Penal Code § 12020(b)(7), (12)-(13), (16) & (18) (to the extent those exemptions pertain to a bullet containing or carrying an explosive agent)**
- Penal Code § 12020(b)(7), (12)-(13), (16) & (18) (to the extent those exemptions pertain to flechette dart ammunition)**
- Penal Code § 12020(c)(6). "Flechette dart"**
- Penal Code § 12029 (as its catchall provision pertains to flechette dart ammunition)**
- Penal Code § 12029 (as its catchall provision pertains to a bullet containing or carrying an explosive agent)**
- Penal Code § 12316. Unlawful acts relating to ammunition**
- Penal Code § 12320. Knowing possession of handgun ammunition designed to penetrate metal or armor**
- Penal Code § 12321. Import, sale, or knowing transport of handgun ammunition designed to penetrate metal or armor**
- Penal Code § 12322. Limitations on application of ammunition restrictions**
- Penal Code § 12323. Definitions**
- Penal Code § 12324. Permanently deactivated ammunition**
- Penal Code § 12325. Ammunition manufactured under contract approved by government agency**

Chapter 2. Assault Weapons

Material to be included:

- Penal Code § 12275. Title**
- Penal Code § 12275.5. Legislative findings**
- Penal Code § 12276. "Assault weapon" and "series"**

- ☞ Penal Code § 12276.1. Further clarification of
“assault weapon”
- Penal Code § 12276.5. Duties of Attorney General
- Penal Code § 12277. “Person”
- Penal Code § 12278. .50 BMG rifle and .50 BMG
cartridge
- ☞ Penal Code § 12280. Unlawful acts relating to
assault weapons and .50 BMG rifles
- Penal Code § 12281. Immunity and relinquishment
of SKS rifle
- Penal Code § 12282. Assault weapon or .50 BMG
rifle constituting nuisance
- ☞ Penal Code § 12285. Registration and permits
- Penal Code § 12286. Permits under specified
circumstances
- Penal Code § 12287. Issuance of permits by
Department of Justice
- Penal Code § 12288. Relinquishment of assault
weapon or .50 BMG rifle
- Penal Code § 12288.5. Broadcasting over police radio
- Penal Code § 12289. Public education and
notification program
- Penal Code § 12289.5. Inspection conducted by
Department of Justice
- Penal Code § 12290. Special rules for licensed gun
dealers

Chapter 3. Body Armor

Material to be included:

- Penal Code § 12360. Certification requirement for
acquisition of body armor
- Penal Code § 12361. Performance standards for body
armor
- Penal Code § 12362. Application for certification of
body armor
- Penal Code § 12363. Content of application
- Penal Code § 12364. Schedule for ballistic testing
- Penal Code § 12365. Refusal to certify body armor
- Penal Code § 12366. Revocation of certification
- Penal Code § 12367. Regulations
- Penal Code § 12368. Purchase of body armor by
Department of General Services

**Penal Code § 12369. Process for defining
“enforcement activities” and developing
standards for replacement of body armor
Penal Code § 12370. Purchase, ownership, or
possession of body armor by person convicted of
violent felony**

Chapter 4. Camouflaging Firearm Container

Material to be included:

**Penal Code § 12020(a)(1) (as it pertains to a
camouflaging firearm container)
Penal Code § 12020(b)(9)-(13), (16) & (18) (to the
extent those exemptions pertain to a
camouflaging firearm container)
Penal Code § 12020(c)(9). “Camouflaging firearm
container”
Penal Code § 12029 (as its catchall provision pertains
to a camouflaging firearm container)**

Chapter 5. Cane Gun

Material to be included:

**Penal Code § 12020(a)(1) (as it pertains to a cane gun)
Penal Code § 12020(c)(5). “Cane gun”
Penal Code § 12029 (as its catchall provision pertains
to a cane gun)
Penal Code § 12020(b)(5), (7)-(13) & (17)-(18) (to the
extent those exemptions pertain to a cane gun)**

Chapter 6. Handguns

Article 1. Unconventional Pistol

Material to be included:

**Penal Code § 12020(a)(1) (as it pertains to an
unconventional pistol)
Penal Code § 12020(b)(5), (7)-(13) & (17)-(18)
(to the extent those exemptions pertain to
an unconventional pistol)
Penal Code § 12020(c)(12). “Unconventional
pistol”
Penal Code § 12029 (as its catchall provision
pertains to an unconventional pistol)**

Article 2. Handgun Safety Certificate

Material to be included:

**Penal Code § 12800. Intent of Legislature
Penal Code § 12801. Definitions and handgun
safety certificate requirement**

Penal Code § 12802. Collusion or alteration, counterfeiting, or falsification of handgun safety certificate

Penal Code § 12803. Restrictions on issuance of handgun safety certificate by certified instructor

Penal Code § 12804. Duties of Department of Justice relating to handgun safety certificate

Penal Code § 12805. Test procedure and fees

Penal Code § 12806. Content of handgun safety certificate

Penal Code § 12807. Exemptions from handgun safety certificate requirement

Penal Code § 12808. Duplicate certificate

Penal Code § 12809. Operative date

Article 3. Unsafe Handguns

Material to be included:

Penal Code § 12125. Manufacture, import, sale, gift, or loan of unsafe handgun

Penal Code § 12126. "Unsafe handgun" and other definitions

Penal Code § 12127. "Firing requirement for handguns" and "malfunction"

Penal Code § 12128. "Drop safety requirement for handguns"

Penal Code § 12129. Manufacturer's certification

Penal Code § 12130. Laboratory testing

Penal Code § 12131. Roster prepared by Department of Justice

Penal Code § 12131.5. Firearm differing in insignificant respects from listed firearm

☞ Penal Code § 12132. Limitations on application of laws governing unsafe handguns

Penal Code § 12133. Exemption for single-action revolver meeting certain specifications

Chapter 7. Large-Capacity Magazine

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to a large-capacity magazine)

Penal Code § 12020(b)(7)-(13) & (17)-(18) (to the extent those exemptions pertain to a large-capacity magazine)
Penal Code § 12020(b)(19)-(32). Exemptions from restriction on manufacture, sale, gift, loan, or possession of large-capacity magazine
Penal Code § 12020(c)(25). "Large-capacity magazine"
Penal Code § 12029 (as its catchall provision pertains to a large-capacity magazine)
Penal Code § 12079. Permit for possession, transportation, or sale of large-capacity magazines

Chapter 8. Machine Guns

Material to be included:

Penal Code § 12200. "Machinegun"
Penal Code § 12201. Acquisition and use of machineguns by law enforcement officers
Penal Code § 12220. Unlawful acts relating to machineguns
Penal Code § 12230. Permit for possession, manufacture, or transportation of machineguns
Penal Code § 12231. Application and renewal process
Penal Code § 12232. Storage of machinegun permit
Penal Code § 12233. Revocation of machinegun permit
Penal Code § 12234. Inspection conducted by Department of Justice
Penal Code § 12250. License to sell machineguns
Penal Code § 12551. Machinegun constituting public nuisance

Chapter 9. Multiburst Trigger Activator

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to a multiburst trigger activator)
Penal Code § 12020(b)(7)-(13) & (17)-(18) (to the extent those exemptions pertain to a multiburst trigger activator)
Penal Code § 12020(c)(23). "Multiburst trigger activator"
Penal Code § 12029 (as its catchall provision pertains to a multiburst trigger activator)

Chapter 10. Short-barreled Shotgun or Short-barreled Rifle

Material to be included:

Penal Code § 12001.5. Manufacture, import, sale, gift, loan, or possession of short-barreled shotgun or short-barreled rifle

Penal Code § 12020(a)(1) (as it pertains to a short-barreled shotgun or short-barreled rifle)

Penal Code § 12020(b)(1). Short-barreled shotgun or short-barreled rifle for use by law enforcement or military

Penal Code § 12020(b)(2). Manufacture, possession, transportation, or sale of short-barreled shotgun or short-barreled rifle when authorized by Department of Justice

Penal Code § 12020(b)(5), (7)-(9) & (18) (to the extent those exemptions pertain to a short-barreled shotgun or short-barreled rifle)

Penal Code § 12020(c)(1). "Short-barreled shotgun"

Penal Code § 12020(c)(2). "Short-barreled rifle"

Penal Code § 12020(c)(20). "Rifle"

Penal Code § 12020(c)(21). "Shotgun"

Penal Code § 12029 (as it pertains to a short-barreled shotgun or short-barreled rifle)

Penal Code § 12095. Permit for short-barreled shotgun or short-barreled rifle

Penal Code § 12096. Permit application process

Penal Code § 12097. Storage of permit and affixation of identifying number

Penal Code § 12098. Revocation of permit

Penal Code § 12099. Inspection conducted by Department of Justice

Chapter 11. Silencers

Material to be included:

Penal Code § 12500. "Silencer"

Penal Code § 12501. Limitations on application of silencer laws

Penal Code § 12520. Unlawful possession of silencer

Chapter 12. Wallet Gun

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to a wallet gun)

Penal Code § 12020(b)(5), (7)-(13) & (17)-(18) (to the extent those exemptions pertain to a wallet gun)

Penal Code § 12020(c)(4). "Wallet gun"
Penal Code § 12029 (as its catchall provision pertains to a wallet gun)

Chapter 13. Zip Gun

Material to be included:

Penal Code § 12020(a)(1) (as it pertains to a zip gun)
Penal Code § 12020(b)(5), (7)-(13) & (17)-(18) (to the extent those exemptions pertain to a zip gun)
Penal Code § 12020(c)(10). "Zip gun"
Penal Code § 12029 (as its catchall provision pertains to a zip gun)

Division 12. Firearm in Custody of Court or Law Enforcement Agency or Similar Situation

Material to be included:

☞ Penal Code § 12021.3. Return or transfer of firearm in custody of court or law enforcement agency
Penal Code § 12028.7. Receipt for firearm taken into custody by law enforcement officer
Penal Code § 12030. Permissible uses of firearm in custody of law enforcement officer
Penal Code § 12032. Unclaimed firearm or firearm no longer needed as exhibit in criminal case

Division 13. Miscellaneous Duties of the Department of Justice

Material to be included:

Penal Code § 12039. Annual report by Attorney General on firearm use in crimes
Penal Code § 12072.5. Ballistics identification system
Penal Code § 12080. Pamphlet summarizing California firearms laws

SECTION 12020 EXEMPTIONS: ALTERNATIVE #1

(Approach used in revised tentative outline)

1 **Staff Note.** Some of the provisions in this draft contain a bracketed cross-reference to one or
2 more existing code sections. As new Part 6 of the Penal Code is drafted, these cross-references
3 would be conformed to the new numbering scheme.

4 DIVISION 6. NUNCHAKU

5 **Penal Code § 16900. “Nunchaku”**

6 16900. As used in [Section 12020], a “nunchaku” means an instrument
7 consisting of two or more sticks, clubs, bars or rods to be used as handles,
8 connected by a rope, cord, wire, or chain, in the design of a weapon used in
9 connection with the practice of a system of self-defense such as karate.

10 **Comment.** Section 16900 continues former Section 12020(c)(3) without substantive change.

11 **§ 16910. Prohibition on manufacture, import, sale, gift, loan or possession of nunchaku**

12 16910. Any person in this state who manufactures or causes to be manufactured,
13 imports into the state, keeps for sale, or offers or exposes for sale, or who gives,
14 lends, or possesses any nunchaku is punishable by imprisonment in a county jail
15 not exceeding one year or in the state prison.

16 **Comment.** Section 16910 continues former Section 12020(a)(1), as it pertained to a nunchaku,
17 without substantive change.

18 For circumstances in which this section is inapplicable, see Section 16920 (exemptions). See
19 also Section 16900 (“nunchaku”).

20 **§ 16920. Exemptions**

21 16920. Section 16910 does not apply to any of the following:

22 (a) The possession of a nunchaku on the premises of a school that holds a
23 regulatory or business license and teaches the arts of self-defense.

24 (b) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a
25 school that holds a regulatory or business license and teaches the arts of self-
26 defense.

27 (c) A nunchaku possessed by a federal, state, or local historical society,
28 museum, or institutional collection that is open to the public, provided that the
29 nunchaku is properly housed and secured from unauthorized handling.

30 (d) A nunchaku possessed or utilized during the course of a motion picture,
31 television, or video production or entertainment event by an authorized participant
32 therein in the course of making that production or event or by an authorized
33 employee or agent of the entity producing that production or event.

34 (e) A nunchaku sold by, manufactured by, exposed or kept for sale by, possessed
35 by, imported by, or lent by a person who is in the business of selling nunchakus or

1 other instruments or devices listed in [Section 12020] solely to the entities referred
2 to in subdivisions (c) and (d) when engaging in transactions with those entities.

3 (f) The sale to, possession of, or purchase of a nunchaku by any federal, state,
4 county, city and county, or city agency that is charged with the enforcement of any
5 law for use in the discharge of its official duties, or the possession of a nunchaku
6 by a peace officer thereof when on duty and the use is authorized by the agency
7 and is within the course and scope of the officer's duties.

8 (g) A nunchaku that is sold by, manufactured by, exposed or kept for sale by,
9 possessed by, imported by, or lent by, a person who is in the business of selling
10 weapons, devices, and ammunition listed in [Section 12020] solely to the entities
11 referred to in subdivision (f) when engaging in transactions with those entities.

12 (h) A nunchaku that is found and possessed by a person who meets all of the
13 following:

14 (1) The person is not prohibited from possessing firearms or ammunition
15 pursuant to [Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of
16 Section 12316 of this code] or Section 8100 or 8103 of the Welfare and
17 Institutions Code.

18 (2) The person possessed the nunchaku no longer than was necessary to deliver
19 or transport it to a law enforcement agency for that agency's disposition according
20 to law.

21 (3) If the person is transporting the nunchaku, the person is transporting the
22 nunchaku to a law enforcement agency for disposition according to law.

23 (i) A nunchaku possessed by a forensic laboratory or any authorized agent or
24 employee thereof in the course and scope of the employee's authorized activities.

25 **Comment.** Subdivision (a) of Section 16920 continues former Section 12020(b)(3) without
26 substantive change.

27 Subdivision (b) continues former Section 12020(b)(4) without substantive change.

28 Subdivision (c) continues former Section 12020(b)(9), as it pertained to a nunchaku, without
29 substantive change.

30 Subdivision (d) continues former Section 12020(b)(10), as it pertained to a nunchaku, without
31 substantive change.

32 Subdivision (e) continues former Section 12020(b)(11), as it pertained to a nunchaku, without
33 substantive change.

34 Subdivision (f) continues former Section 12020(b)(12), as it pertained to a nunchaku, without
35 substantive change.

36 Subdivision (g) continues former Section 12020(b)(13), as it pertained to a nunchaku, without
37 substantive change.

38 Subdivision (h) continues former Section 12020(b)(16), as it pertained to a nunchaku, without
39 substantive change.

40 Subdivision (i) continues former Section 12020(b)(18), as it pertained to a nunchaku, without
41 substantive change.

SECTION 12020 EXEMPTIONS: ALTERNATIVE #2

(Substance of Section 12020(b)(5), (7)-(13) & (16)-(18) placed in
“Division 2. Generally Prohibited Weapons” of “Title 2. Weapons Generally”)

1 **Staff Note.** Some of the provisions in this draft contain a bracketed cross-reference to one or
2 more existing code sections. As new Part 6 of the Penal Code is drafted, these cross-references
3 would be conformed to the new numbering scheme.
4 Blanks are used to indicate sections that have not yet been drafted (e.g., “Section _____”).

5 PART 6. CONTROL OF DEADLY WEAPONS

6 TITLE 1. PRELIMINARY PROVISIONS

7 DIVISION 1. GENERALLY PROHIBITED
8 WEAPONS

9 **Penal Code § 16100. “Antique firearm”**

10 16100. For purposes of [Section 12020], “antique firearm” means either of the
11 following:

12 (a) Any firearm not designed or redesigned for using rimfire or conventional
13 center fire ignition with fixed ammunition and manufactured in or before 1898.
14 This includes any matchlock, flintlock, percussion cap, or similar type of ignition
15 system or replica thereof, whether actually manufactured before or after the year
16 1898.

17 (b) Any firearm using fixed ammunition manufactured in or before 1898, for
18 which ammunition is no longer manufactured in the United States and is not
19 readily available in the ordinary channels of commercial trade.

20 **Comment.** Section 16100 continues the second sentence of former Section 12020(b)(5)
21 without substantive change.

22

23 TITLE 2. WEAPONS GENERALLY

24

1 DIVISION 2. GENERALLY PROHIBITED WEAPONS

2 **Penal Code § 16500. “Generally prohibited weapon”**

3 16500. As used in this part, “generally prohibited weapon” means any of the
4 following:

- 5 (a) An air gauge knife, as prohibited by Section _____.
- 6 (b) Ammunition that contains or consists of a flechette dart, as prohibited by
7 Section _____.
- 8 (c) A ballistic knife, as prohibited by Section _____.
- 9 (d) A belt buckle knife, as prohibited by Section _____.
- 10 (e) A bullet containing or carrying an explosive agent, as prohibited by Section
11 _____.
- 12 (f) A camouflaging firearm container, as prohibited by Section _____.
- 13 (g) A cane gun, as prohibited by Section _____.
- 14 (h) A cane sword, as prohibited by Section _____.
- 15 (i) A concealed dirk or dagger, as prohibited by Section _____.
- 16 (j) A concealed explosive substance, other than fixed ammunition, as prohibited
17 by Section _____.
- 18 (k) A firearm that is not immediately recognizable as a firearm, as prohibited by
19 Section _____.
- 20 (l) A large-capacity magazine, as prohibited by Section _____.
- 21 (m) A leaded cane, as prohibited by Section _____.
- 22 (n) A lipstick case knife, as prohibited by Section _____.
- 23 (o) Metal knuckles, as prohibited by Section _____.
- 24 (p) A metal military practice handgrenade or a metal replica handgrenade, as
25 prohibited by Section _____.
- 26 (q) A multiburst trigger activator, as prohibited by Section _____.
- 27 (r) A nunchaku, as prohibited by Section 16910.
- 28 (s) A shobi-zue, as prohibited by Section _____.
- 29 (t) A short-barreled rifle, as prohibited by Section _____.
- 30 (u) A short-barreled shotgun, as prohibited by Section _____.
- 31 (v) A shuriken, as prohibited by Section _____.
- 32 (w) An unconventional pistol, as prohibited by Section _____.
- 33 (x) An undetectable firearm, as prohibited by Section _____.
- 34 (y) A wallet gun, as prohibited by Section _____.
- 35 (z) A writing pen knife, as prohibited by Section _____.
- 36 (aa) A zip gun, as prohibited by Section _____.
- 37 (bb) An instrument or weapon of the kind commonly known as a billy,
38 blackjack, sandbag, sandclub, sap, or slungshot, as prohibited by Section _____.

39 **Comment.** Section 16500 is new. It defines the term “generally prohibited weapon” for
40 drafting convenience. Each of the items listed in this section was formerly listed in subdivision
41 (a) of former Section 12020.

1 **Penal Code § 16510. Exemption for antique firearm**

2 16510. The provisions listed in Section 16500 do not apply to an antique
3 firearm.

4 **Comment.** Section 16510 continues the first sentence of former Section 12020(b)(5) without
5 substantive change. See Section 16100 (“antique firearm”) & Comment.

6 **Penal Code § 16520. Exemption for firearm or ammunition constituting curio or relic**

7 16520. (a) The provisions listed in Section 16500 do not apply to any firearm or
8 ammunition that is a curio or relic as defined in Section 478.11 of Title 27 of the
9 Code of Federal Regulations and that is in the possession of a person permitted to
10 possess the items pursuant to Chapter 44 (commencing with Section 921) of Title
11 18 of the United States Code and the regulations issued pursuant thereto.

12 (b) Any person prohibited by [Section 12021, 12021.1, or 12101 of this code] or
13 Section 8100 or 8103 of the Welfare and Institutions Code from possessing
14 firearms or ammunition who obtains title to these items by bequest or intestate
15 succession may retain title for not more than one year, but actual possession of
16 these items at any time is punishable pursuant to [Section 12021, 12021.1, or
17 12101 of this code] or Section 8100 or 8103 of the Welfare and Institutions Code.
18 Within the year, the person shall transfer title to the firearms or ammunition by
19 sale, gift, or other disposition. The exemption provided by subdivision (a) does not
20 apply to any person who violates this subdivision.

21 **Comment.** Section 16520 continues former Section 12020(b)(7) without substantive change.

22 **Penal Code § 16530. Exemption for “any other weapon” in possession of person permitted**
23 **to possess it under federal Gun Control Act of 1968**

24 16530. (a) The provisions listed in Section 16500 do not apply to “any other
25 weapon” as defined in subsection (e) of Section 5845 of Title 26 of the United
26 States Code, which is in the possession of a person permitted to possess the
27 weapons pursuant to the federal Gun Control Act of 1968 (Public Law 90-618), as
28 amended, and the regulations issued pursuant thereto.

29 (b) Any person prohibited by [Section 12021, 12021.1, or 12101 of this code] or
30 Section 8100 or 8103 of the Welfare and Institutions Code from possessing these
31 weapons who obtains title to these weapons by bequest or intestate succession may
32 retain title for not more than one year, but actual possession of these weapons at
33 any time is punishable pursuant to [Section 12021, 12021.1, or 12101 of this code]
34 or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the
35 person shall transfer title to the weapons by sale, gift, or other disposition. The
36 exemption provided by subdivision (a) does not apply to any person who violates
37 this subdivision.

38 (c) The exemption provided by this section does not apply to a pen gun.

39 **Comment.** Section 16530 continues former Section 12020(b)(8) without substantive change.

1 **Penal Code § 16540. Exemption for historical society, museum, or institutional collection**

2 16540. The provisions listed in Section 16500 do not apply to an instrument or
3 device that is possessed by a federal, state, or local historical society, museum, or
4 institutional collection that is open to the public if all of the following conditions
5 are satisfied:

- 6 (a) The instrument or device is properly housed.
- 7 (b) The instrument or device is secured from unauthorized handling.
- 8 (c) If the instrument or device is a firearm, it is unloaded.

9 **Comment.** Section 16540 continues former Section 12020(b)(9) without substantive change.

10 **Penal Code § 16550. Exemption for motion picture, television, video production, or**
11 **entertainment event**

12 16550. The provisions listed in Section 16500 do not apply to an instrument or
13 device, other than a short-barreled shotgun or a short-barreled rifle, that is
14 possessed or used during the course of a motion picture, television, or video
15 production or entertainment event by an authorized participant therein in the
16 course of making that production or event or by an authorized employee or agent
17 of the entity producing that production or event.

18 **Comment.** Section 16550 continues former Section 12020(b)(10) without substantive change.

19 **Penal Code § 16560. Exemption for person who sells to historical society, museum, or**
20 **institutional collection, or for purposes of entertainment event**

21 16560. The provisions listed in Section 16500 do not apply to an instrument or
22 device, other than a short-barreled shotgun or a short-barreled rifle, that is sold by,
23 manufactured by, exposed or kept for sale by, possessed by, imported by, or lent
24 by a person who is in the business of selling instruments or devices listed in
25 Section 16500 solely to the entities referred to in Sections 16540 and 16550 when
26 engaging in transactions with those entities.

27 **Comment.** Section 16560 continues former Section 12020(b)(11) without substantive change.

28 **Penal Code § 16570. Exemption for law enforcement or person who sells to law enforcement**

29 16570. The provisions listed in Section 16500 do not apply to any of the
30 following:

31 (a) The sale to, possession of, or purchase of any weapon, device, or
32 ammunition, other than a short-barreled rifle or a short-barreled shotgun, by any
33 federal, state, county, city and county, or city agency that is charged with the
34 enforcement of any law for use in the discharge of its official duties.

35 (b) The possession of any weapon, device, or ammunition, other than a short-
36 barreled rifle or short-barreled shotgun, by a peace officer of any federal, state,
37 county, city and county, or city agency that is charged with the enforcement of any
38 law, when the officer is on duty and the use is authorized by the agency and is
39 within the course and scope of the officer's duties.

1 (c) A weapon, device, or ammunition, other than a short-barreled rifle or a short-
2 barreled shotgun, that is sold by, manufactured by, exposed or kept for sale by,
3 possessed by, imported by, or lent by, a person who is in the business of selling
4 weapons, devices, and ammunition listed in Section 16500 solely to the entities
5 referred to in subdivision (a) when engaging in transactions with those entities.

6 **Comment.** Subdivisions (a) and (b) of Section 16570 continue former Section 12020(b)(12)
7 without substantive change.

8 Subdivision (c) continues former Section 12020(b)(13) without substantive change.

9 **Penal Code § 16580. Exemption for transportation of non-firearm to law enforcement for**
10 **disposition according to law**

11 16580. The provisions listed in Section 16500 do not apply to an instrument,
12 ammunition, weapon, or device that is not a firearm and is found and possessed by
13 a person who meets all of the following:

14 (A) The person is not prohibited from possessing firearms or ammunition
15 pursuant to [Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of
16 Section 12316 of this code] or Section 8100 or 8103 of the Welfare and
17 Institutions Code.

18 (B) The person possessed the instrument, ammunition, weapon, or device no
19 longer than was necessary to deliver or transport it to a law enforcement agency
20 for that agency's disposition according to law.

21 (C) If the person is transporting the item, the person is transporting it to a law
22 enforcement agency for disposition according to law.

23 **Comment.** Section 16580 continues former Section 12020(b)(16) without substantive change.

24 **Penal Code § 16590. Exemption for transportation of firearm to law enforcement for**
25 **disposition according to law**

26 16590. The provisions listed in Section 16500 do not apply to a firearm, other
27 than a short-barreled rifle or short-barreled shotgun, that is found and possessed by
28 a person who meets all of the following:

29 (a) The person is not prohibited from possessing firearms or ammunition
30 pursuant to [Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of
31 Section 12316 of this code] or Section 8100 or 8103 of the Welfare and
32 Institutions Code.

33 (b) The person possessed the firearm no longer than was necessary to deliver or
34 transport it to a law enforcement agency for that agency's disposition according to
35 law.

36 (c) If the person is transporting the firearm, the person is transporting it to a law
37 enforcement agency for disposition according to law.

38 (d) Prior to transporting the firearm to a law enforcement agency, the person has
39 given prior notice to that law enforcement agency that the person is transporting
40 the firearm to that law enforcement agency for disposition according to law.

1 (e) The firearm is transported in a locked container as defined in [subdivision (d)
2 of Section 12026.2].

3 **Comment.** Section 16590 continues former Section 12020(b)(17) without substantive change.

4 **Penal Code § 16600. Exemption for possession by forensic laboratory**

5 16600. The provisions listed in Section 16500 do not apply to the possession of
6 any weapon, device, or ammunition by a forensic laboratory or by any authorized
7 agent or employee thereof in the course and scope of the person’s authorized
8 activities.

9 **Comment.** Section 16600 continues former Section 12020(b)(17) without substantive change.

10

11 **TITLE 3. WEAPONS OTHER THAN FIREARMS**

12

13 **DIVISION 6. NUNCHAKU**

14 **Penal Code § 16900. “Nunchaku”**

15 16900. As used in [Section 12020], a “nunchaku” means an instrument
16 consisting of two or more sticks, clubs, bars or rods to be used as handles,
17 connected by a rope, cord, wire, or chain, in the design of a weapon used in
18 connection with the practice of a system of self-defense such as karate.

19 **Comment.** Section 16900 continues former Section 12020(c)(3) without substantive change.

20 **§ 16910. Prohibition on manufacture, import, sale, gift, loan or possession of nunchaku**

21 16910. Any person in this state who manufactures or causes to be manufactured,
22 imports into the state, keeps for sale, or offers or exposes for sale, or who gives,
23 lends, or possesses any nunchaku is punishable by imprisonment in a county jail
24 not exceeding one year or in the state prison.

25 **Comment.** Section 16910 continues former Section 12020(a)(1), as it pertained to a nunchaku,
26 without substantive change.

27 See Section 16900 (“nunchaku”). For circumstances in which this section is inapplicable, see
28 Section 16920 (nunchaku for school teaching arts of self-defense). See also Sections 16500
29 (“generally prohibited weapon”), 16510-16600 (exemptions relating to generally prohibited
30 weapons).

31 **§ 16920. Nunchaku for school teaching arts of self-defense**

32 16920. Section 16910 does not apply to either of the following:

33 (a) The possession of a nunchaku on the premises of a school that holds a
34 regulatory or business license and teaches the arts of self-defense.

1 (b) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a
2 school that holds a regulatory or business license and teaches the arts of self-
3 defense.

4 **Comment.** Subdivision (a) of Section 16920 continues former Section 12020(b)(3) without
5 substantive change.

6 Subdivision (b) continues former Section 12020(b)(4) without substantive change.

7 See Section 16900 (“nunchaku”). For other circumstances in which Section 16910 is
8 inapplicable, see Sections 16500 (“generally prohibited weapon”), 16510-16600 (exemptions
9 relating to generally prohibited weapons).
