

Second Supplement to Memorandum 2009-27

**Nonsubstantive Reorganization of Deadly Weapon Statutes:
Disposition Table**

In the First Supplement to Memorandum 2009-27, the staff raised the possibility of including a Supplemental Disposition Table in the Commission’s report. The idea was to include dispositional information that did not readily fit into the format of the regular disposition table. A draft of a Supplemental Disposition Table was attached to the memorandum, together with a new draft of the regular disposition table, which includes cross-references to the Supplemental Disposition Table.

An alternative approach would be to condense the information from the Supplemental Disposition Table to fit within the format of the regular disposition table. For example, the entry for Section 12001.1 in the Supplemental Disposition Table reads:

<p><u>Existing Provision:</u> Section 12001.1</p> <p><u>Corresponding New Provisions:</u> Article 6 (commencing with Section 20810) of Chapter 2 of Division 5 of Title 3 of Part 6, which is the same as Sections 20810 to 20820, inclusive <i>plus ...</i> Section 17290 (“undetectable knife”)</p>

The cross-reference in the regular disposition table reads:

12001.1 (entirety). See Supp. Disp. Table (pp. 465-76)

Those two entries could be replaced by a single entry in the regular disposition table, which would read:

12001.1 (entirety). 17920, 20810-20820 (entire article)

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.

This alternative approach would have both advantages and disadvantages. It would avoid the need to flip back and forth between two different tables to find dispositional information. That would make it more straightforward to use and perhaps prevent some confusion.

But it would also provide less information than the Supplemental Disposition Table. For example, it would not differentiate between substantive and definitional provisions, it would not identify the definition, and it would not give the name of the article.

Attached for the Commission’s consideration is a new draft of the regular disposition table, which would implement the alternative approach. To facilitate review, all changes from the draft that was attached to the First Supplement are shown in boldface.

The alternative approach works neatly for some provisions. For example, the entry for Section 12021 in the Supplemental Disposition Table reads:

<p><u>Existing Provision:</u> Section 12021</p> <p><u>Corresponding New Provisions:</u> Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, which is the same as Sections 29800 to 29875 (inclusive)</p>
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The cross-reference in the regular disposition table reads:

12021 (entirety). See Supp. Disp. Table (pp. 465-76)

Under the alternative approach, those two entries would be replaced by a single entry in the regular disposition table, which would read:

12021 (entirety). 29800-29875 (entire chapter)

For other provisions, the alternative approach is less satisfying, because it omits potentially useful information. For example, under that approach the entry for Section 12071 would simply state:

12071. 16130, 16400, 16550, 16810, 17110, 26700-26915 (inclusive)

In contrast, the entry for Section 12071 in the Supplemental Disposition Table would make obvious how that provision was reorganized:

<p><u>Existing Provision:</u> Section 12071</p> <p><u>Corresponding New Provisions:</u> Sections 26700 to 26915, inclusive, which is the same as Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6</p> <p><i>plus ...</i> Sections 16130 (“agent”), 16400 (“clear evidence of the person’s identity and age”), 16550 (“firearm transaction record”), 16810 (“licensed premises,” “licensee’s business premises,” and “licensee’s place of business”), and 17110 (“secure facility” for firearm storage by dealer)</p>

The Commission and interested persons should compare the following drafts of the disposition table and determine which approach to use in the final recommendation:

- (1) The draft attached to the tentative recommendation, which does not provide the information included in the Supplemental Disposition Table.
- (2) The draft attached to the First Supplement to Memorandum 2009-27, which includes the Supplemental Disposition Table.
- (3) The attached draft, which implements the alternative approach discussed in this supplement.

The staff believes that the information in the Supplemental Disposition Table is potentially useful and should be presented in some form. As between Option #2 and Option #3, we do not have strong feelings about which is preferable.

Respectfully submitted,

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DISPOSITION OF EXISTING LAW

Note. This table shows the proposed disposition of Penal Code Section 653k and Title 2 of Part 4 of the Penal Code (Penal Code Sections 12000-12809), as the law existed on January 1, 2009. Unless otherwise indicated, all statutory references are to the Penal Code.

Existing Provision	Corresponding New Provision
653k, 1st ¶	21510
653k, 2d ¶	17235
653k, 3d ¶	16965
12000-12101 (entire chapter)	See Section 16580
12000	23500
12001(a)(1)	16530(a)
12001(a)(2)	16640(a)
12001(b)	12001, 16520(a)
12001(c)	16520(b)
12001(d)	16520(c)
12001(e) (all except def. of “antique firearm”)	16520(d)
12001(e) (def. of “antique firearm”)	16170(b)
12001(f) (re “firearm capable of being concealed upon the person,” “pistol,” & “revolver”)	16530(b)
12001(f) (re “handgun”)	16640(b)
12001(g)	16250
12001(h)	17340
12001(i)	16190
12001(j)	16840(a)
12001(k)	23510
12001(l)	17800
12001(m)	23520
12001(n)	17000(a)
12001(o)	17000(b)
12001(p)	16240
12001(q)	16670
12001(r)	16630
12001(s)	16410
12001.1 (entirety).	17920, 20810-20820 (entire article)
12001.1(a), 1st sent.	20810(a)
12001.1(a), 2d sent.	17290
12001.1(b)	20810(b)
12001.1(c)	20815
12001.1(d)	20820
12001.5	33210
12001.6	23515

12002(a) (re equip, authorized for enforcement of law or ordinance in city or county) 17515
12002(a) (other aspects) 22295(a)
12002(b)-(g) 22295(b)-(g)
12003 12003, 23505
12010 30000
12011 30005
12012 30010
12020 (entirety) See discussion at pp. 13-15; see also Section 16590
12020(a)(1) (re air gauge knife) 20310
12020(a)(1) (re ballistic knife) 21110
12020(a)(1) (re belt buckle knife) 20410
12020(a)(1) (re billy, blackjack, sandbag, sandclub, sap, or slungshot) 22210
12020(a)(1) (re bullet with explosive agent) 30210
12020(a)(1) (re camouflaging firearm container) 24310
12020(a)(1) (re cane gun) 24410
12020(a)(1) (re cane sword) 20510
12020(a)(1) (re firearm not immediately recognizable as firearm) 24510
12020(a)(1) (re flechette dart) 30210
12020(a)(1) (re leaded cane) 22210
12020(a)(1) (re lipstick case knife) 20610
12020(a)(1) (re metal knuckles) 21810
12020(a)(1) (re certain metal handgrenades) 19200(a)
12020(a)(1) (re multiburst trigger activator) 32900
12020(a)(1) (re nunchaku) 22010
12020(a)(1) (re shobi-zue) 20710
12020(a)(1) (re short-barreled rifle or short-barreled shotgun) 33215
12020(a)(1) (re shuriken) 22410
12020(a)(1) (re unconventional pistol) 31500
12020(a)(1) (re undetectable firearm) 24610
12020(a)(1) (re wallet gun) 24710
12020(a)(1) (re writing pen knife) 20910
12020(a)(1) (re zip gun) 33600
12020(a)(2) 32310
12020(a)(3) 19100
12020(a)(4), 1st ¶ 21310
12020(a)(4), 2d ¶, 1st sent. 19200(b)
12020(a)(4), 2d ¶, 2d sent. 16460(b)
12020(b)(1) 33220
12020(b)(2) 33225
12020(b)(3) 22015(a)
12020(b)(4) 22015(b)
12020(b)(5), 1st sent. 17700
12020(b)(5), 2d sent. 16170(c)

12020(b)(6)	30215
12020(b)(7)	17705
12020(b)(8)	17710
12020(b)(9)	17715
12020(b)(10)	17720
12020(b)(11)	17725
12020(b)(12)	17730(a)-(b)
12020(b)(13)	17730(c)
12020(b)(14)	22215
12020(b)(15)	19205
12020(b)(16)	17735
12020(b)(17)	17740
12020(b)(18)	17745
12020(b)(19)	32400
12020(b)(20)	32405
12020(b)(21)	32410
12020(b)(22)	32415
12020(b)(23)	32420
12020(b)(24)	32425(a)
12020(b)(25)	32425(b)
12020(b)(26)	32430
12020(b)(27)	32435(a)
12020(b)(28)	32435(b)
12020(b)(29)	32435(c)
12020(b)(30)	32440
12020(b)(31)	32445
12020(b)(32)	32450
12020(c)(1)	17180
12020(c)(2)	17170
12020(c)(3)	16940
12020(c)(4)	17330
12020(c)(5)	16330
12020(c)(6)	16570
12020(c)(7)	16920
12020(c)(8)	16220
12020(c)(9)	16320
12020(c)(10)	17360
12020(c)(11)	17200
12020(c)(12)	17270
12020(c)(13)	16260
12020(c)(14)	16830
12020(c)(15)	16340
12020(c)(16)	17160

12020(c)(17)	16760
12020(c)(18)	16140
12020(c)(19)	17350
12020(c)(20)	17090
12020(c)(21)	17190
12020(c)(22)(A)-(B)	17280
12020(c)(22)(C) (def. of “firearm”)	16520(f)
12020(c)(22)(C) (def. of “major component”)	17280(b)
12020(c)(22)(C), 1st ¶ (def. of “Security Exemplar”)	17125
12020(c)(22)(C), 2d ¶	24680
12020(c)(23)	16930
12020(c)(24)	16470
12020(c)(25)	16740
12020(d)	20200
12020.1, 1st sent.	21710
12020.1, 2d & 3d sent.	16680
12020.3	23800
12020.5	17505
12021 (entirety)	29800-29875 (entire chapter)
12021(a)	29800(a)
12021(b)	29800(b)
12021(c)(1)	29805
12021(c)(2)	29855
12021(c)(3)	29860
12021(c)(4)	29865
12021(d)(1), 1st sent.	29815(a)
12021(d)(1), 2d & 3d sent.	29815(b)
12021(d)(2)	29810
12021(e), 1st sent.	29820(a)-(b)
12021(e), 2d sent.	29820(c)
12021(e), 3d & 4th sent.	29820(d)
12021(f)	29800(c)
12021(g) (entirety)	29825
12021(g)(1)	29825(a)
12021(g)(2)	29825(b)
12021(g)(3)	29825(d)
12021(g)(4)	29825(c)
12021(h)	29850
12021(i)	29875
12021.1 (entirety)	29900-29905 (entire chapter)
12021.1(a)	29900(a)
12021.1(b)	29905
12021.1(c)	29900(b)

12021.1(d)	29900(c)
12021.3 (entirety)	26590, 33850-33895 (entire chapter)
12021.3(a)	33850
12021.3(b)	33855
12021.3(c)	33860
12021.3(d)	33865(a)
12021.3(e)(1)	33865(c)
12021.3(e)(2)	33865(d)
12021.3(e)(3)	33865(b)
12021.3(f)	33865(e)
12021.3(g)	33875
12021.3(h)	33890
12021.3(i)(1)	33870(a)
12021.3(i)(2), 1st ¶	33870(b)
12021.3(i)(2), 2d ¶	33870(c)
12021.3(i)(3)	26590
12021.3(i)(4)	33895
12021.3(j)	33880
12021.3(k)	33885
12021.5-12022.95 (sentence enhancements)	left in place
12023	25800
12024	17500
12025 (entirety)	16750(a), 25400; 12025 (h) is not continued
12025(a)	25400(a)
12025(b)	25400(c)
12025(c)	25400(f)
12025(d)	25400(d)
12025(e)	25400(e)
12025(f)	25400(b)
12025(g)	16750(a)
12025(h)	Not continued (repealed 1/1/05)
12025.5	25600
12026	25605
12026.1 (entirety)	16850, 25610
12026.1(a), intro. cl.	25610(a)
12026.1(a)(1), except last phrase	25610(a)
12026.1(a)(1), last phrase	16850
12026.1(a)(2)	25610(a)
12026.1(b)	25610(b)
12026.1(c)	16850
12026.2 (entirety)	16850, 25500-25585 (entire article)
12026.2(a)(1)	25510(a)
12026.2(a)(2)	25515

12026.2(a)(3)	25520
12026.2(a)(4)	25525(a)
12026.2(a)(5)	25530
12026.2(a)(6)	25525(b)
12026.2(a)(7)	25535(a)
12026.2(a)(8)	25510(b)
12026.2(a)(9)	25540
12026.2(a)(10)	25545
12026.2(a)(11)	25550
12026.2(a)(12)	25555
12026.2(a)(13)	25560
12026.2(a)(14)	25535(b)
12026.2(a)(15)	25565
12026.2(a)(16)	25570(a)
12026.2(a)(17)	25575
12026.2(a)(18)	25570(b)
12026.2(a)(19)	25580
12026.2(a)(20)	25585
12026.2(b)	25505
12026.2(c)	25500
12026.2(d)	16850
12027 (entirety)	16360, 16690, 25450-25475 (entire article), 25615-25655 (inclusive)
12027(a) (entirety)	16360, 16690, 25450-25475 (entire article)
12027(a)(1)(A), 1st sent.	25450
12027(a)(1)(A), 2d sent.	25455(a)
12027(a)(1)(A), 3d sent.	25455(b)
12027(a)(1)(A), 4th & 5th sent.	16690
12027(a)(1)(B)	25455(c)
12027(a)(1)(C)	25460(a)-(b)
12027(a)(1)(D)	25460(c)
12027(a)(1)(E)	16360
12027(a)(2), 1st sent.	25465
12027(a)(2), 2d sent.	25455(d)
12027(a)(2), 3d sent.	25470(a)
12027(a)(2), 4th sent.	25470(b)
12027(a)(3)	25475
12027(b)	25615
12027(c)	25620
12027(d)	25625
12027(e)	25630
12027(f)	25635
12027(g)	25640
12027(h)	25645

12027(i)	25650
12027(j)	25655
12027.1 (entirety)	26300-26325 (entire chapter)
12027.1(a)(1)(A)(i)	26300(b)
12027.1(a)(1)(A)(ii)	26300(a)
12027.1(a)(1)(A)(iii)	26300(c)
12027.1(a)(1)(B)	26305(c)
12027.1(a)(2)	26305(b)
12027.1(b)(1)	26305(c)
12027.1(b)(2)	26315
12027.1(b)(3)	26310
12027.1(c)	26325
12027.1(d)	26320
12027.1(e)	26305(a)
12028 (entirety)	See discussion at p. 15
12028(a) (re concealed explosive other than fixed ammunition)	19190
12028(a) (re concealed dirk or dagger)	21390
12028(a) (re unlawful concealed carrying of handgun)	25700(a)
12028(a) (re switchblade knife)	21590
12028(b)(1), 1st sent.	29300(a)
12028(b)(1), 2d sent.	18000(c), 29300(b)
12028(b)(2)	29300(c)
12028(c), 1st sent.	18000(a)
12028(c), 2d sent.	18000(b)
12028(c), 3d sent.	18005(a)
12028(c), 4th sent.	18005(b)
12028(d)	18005(c)
12028(e) (re unlawful concealed carrying of handgun as nuisance)	25700(b)
12028(e) (re firearm of any nature constituting nuisance in specified circumstances)	29300(d)
12028(f)	18005(d)
12028.5 (entirety)	16120, 16430, 16490, 18250-18500 (entire division)
12028.5(a)(1)	16120
12028.5(a)(2)	16490
12028.5(a)(3)	16430
12028.5(b), 1st sent.	18250
12028.5(b), 2d sent.	18255(a)
12028.5(b), 3d sent.	18255(b)
12028.5(b), 4th sent.	18255(c)
12028.5(b), 5th sent.	18265(a)
12028.5(b), 6th sent.	18265(b)
12028.5(b), 7th sent.	18265(c)
12028.5(c)	18260
12028.5(d)	18270

12028.5(e)	18275
12028.5(f)	18400
12028.5(g)	18405
12028.5(h)	18410
12028.5(i)	18415
12028.5(j)	18420
12028.5(k)	18500
12028.7	33800
12029 (entirety)	See discussion at p. 15
12029, 1st sent., 1st-2d cl. (re air gauge knife, through catchall provision)	20390
12029, 1st sent., 1st-2d cl. (re ballistic knife, through catchall provision)	21190
12029, 1st sent., 1st-2d cl. (re belt buckle knife, through catchall provision)	20490
12029, 1st sent., 1st-2d cl. (re billy, blackjack, sandbag, sandclub, and slungshot)	22290
12029, 1st sent., 1st-2d cl. (re bullet with explosive agent, through catchall provision)	30290
12029, 1st sent., 1st-2d cl. (re camouflaging firearm container, through catchall)	24390
12029, 1st sent., 1st-2d cl. (re cane gun, through catchall provision)	24490
12029, 1st sent., 1st-2d cl. (re cane sword, through catchall provision)	20590
12029, 1st sent., 1st-2d cl. (re firearm not immediately recognizable as such, through catchall provision)	24590
12029, 1st sent., 1st-2d cl. (re flechette dart ammunition, through catchall provision)	30290
12029, 1st sent., 1st-2d cl. (re large capacity magazine, through catchall provision)	32390
12029, 1st sent., 1st-2d cl. (re leaded cane, through catchall provision)	22290
12029, 1st sent., 1st-2d cl. (re lipstick case knife, through catchall provision)	20690
12029, 1st sent., 1st-2d cl. (re metal knuckles)	21890
12029, 1st sent., 1st-2d cl. (re certain metal handgrenades, through catchall provision)	19290
12029, 1st sent., 1st-2d cl. (re multiburst trigger activator, through catchall provision)	32990
12029, 1st sent., 1st-2d cl. (re nunchaku)	22090
12029, 1st sent., 1st-2d cl. (re sap, through catchall provision)	22290
12029, 1st sent., 1st-2d cl. (re shobi-zue, through catchall provision)	20790
12029, 1st sent., 1st-2d cl. (re short-barreled rifle or short-barreled shotgun)	33290
12029, 1st sent., 1st-2d cl. (re shuriken)	22490
12029, 1st sent., 1st-2d cl. (re unconventional pistol, through catchall provision)	31590
12029, 1st sent., 1st-2d cl. (re undetectable firearm, through catchall provision)	24690
12029, 1st sent., 1st-2d cl. (re wallet gun, through catchall provision)	24790
12029, 1st sent., 1st-2d cl. (re writing pen knife, through catchall provision)	20990
12029, 1st sent., 1st-2d cl. (re zip gun, through catchall provision)	33690
12029, 1st sent., last cl.	18010(a)
12029, 2d sent.	18010(b)
12029, 3d sent.	18010(c)
12030 (entirety)	16520(e), 34005, 34010
12030(a)	34005(a)
12030(b)	34005(b)
12030(c)	34005(c)

12030(d), 1st ¶, 1st -3d sent.	34005(d)
12030(d), 1st ¶, 4th sent.	16520(e)
12030(d), 1st ¶, 5th sent.	34005(d)
12030(d), 2d ¶	34005(d)
12030(e)	34010
12031 (entirety)	16750(b), 16840(b), 17030, 25850-26025 (inclusive),
.	26030(a)-(c), 26035-26055 (inclusive); 12031(m) is not continued
12031(a)(1)	25850(a)
12031(a)(2)	25850(c)
12031(a)(3)	16750(b)
12031(a)(4)	25850(f)
12031(a)(5)(A)	25850(g)
12031(a)(5)(B)	25850(h)
12031(a)(6)	25850(d)
12031(a)(7)	25850(e)
12031(b)(1), 1st ¶, 1st sent.	25900
12031(b)(1), 1st ¶, 2d sent.	25905(a)
12031(b)(1), 1st ¶, 3d sent.	25905(b)
12031(b)(1), 2d ¶	25905(c)
12031(b)(1), 3d ¶	25910
12031(b)(2), 1st sent.	25915
12031(b)(2), 2d sent.	25905(d)
12031(b)(2), 3d sent.	25920(a)
12031(b)(2), 4th sent.	25920(b)
12031(b)(3)	25925
12031(b)(4)	26000
12031(b)(5)	26005
12031(b)(6)	26010
12031(b)(7)	26015
12031(b)(8)	26020
12031(c)	26025
12031(d) (entirety).	26030(a)-(c)
12031(d), intro. ¶, 1st sent.	26030(a), intro. cl.
12031(d), intro. ¶, 2d sent.	26030(c)
12031(d)(1)	26030(a)(1)
12031(d)(2)	26030(a)(2)-(3)
12031(d)(3) (re licensed private investigators)	26030(a)(4)
12031(d)(3) (re licensed private patrol operators)	26030(a)(6)
12031(d)(3) (re licensed alarm company operators)	26030(a)(8)
12031(d)(4)	26030(a)(9)
12031(d)(5), 1st sent.	26030(a)(10)
12031(d)(5), 2d sent.	26030(b)
12031(d)(6) (re uniformed employees of licensed private investigators)	26030(a)(5)

12031(d)(6) (re uniformed employees of licensed private patrol operators)	26030(a)(7)
12031(e)	25850(b)
12031(f)	17030
12031(g)	16840(b)
12031(h)	26035
12031(i)	26040
12031(j)(1), 1st sent.	26045(a)
12031(j)(1), 2d sent.	26045(c)
12031(j)(2)	26045(b)
12031(k)	26050
12031(l)	26055
12031(m)	Not continued (became inoperative 1/1/05)
12031.1	26060
12032	34000
12033	26030(d)
12034	26100
12035 (entirety)	16600, 16840(b), 16850, 16860, 25000, 25100-25130 (entire chapter)
12035(a)(1)	16860
12035(a)(2)	16840(b)
12035(a)(3)	25000
12035(a)(4)	16600
12035(a)(5)	16850
12035(b)(1)	25100(a)
12035(b)(2)	25100(b)
12035(c)	25105
12035(d)	25110
12035(e)	25115
12035(f)	25120
12035(g)	25125
12035(h)	25130
12036 (entirety)	16850, 16860, 25000, 25200-25225 (entire chapter)
12036(a)(1)	16860
12036(a)(2)	25000
12036(a)(3)	25200(d)
12036(a)(4)	16850
12036(b)	25200(a)
12036(c)	25200(b)
12036(d)	25200(c)
12036(e)	25205
12036(f)	25210
12036(g)	25215
12036(h)	25220
12036(i)	25225

12039	34200
12040	25300
12050-12054 (entire article).....	17020, 26150-26225 (entire chapter)
12050(a)(1)(A)	26150
12050(a)(1)(B)	26155(a)-(b)
12050(a)(1)(C)	26170
12050(a)(1)(D)	26150
12050(a)(1)(E)	26165
12050(a)(2)(A)(i)	26220(a)
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12276.1(a)-(c)	30515
12276.1(d)(1)	16890
12276.1(d)(2)	16350
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12276.1(e)	Not continued (obsolete & memorialized in § 30620(c))

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12278(c)	30530(b)
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12280(b)	30605
12280(c)	30610
12280(d)	30615
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12280(f)(2)	30630(b)
12280(f)(3)	30630(c)
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12280(h)	30645
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12280(j)	30655(b)
12280(k)	30660(a)-(b)
12280(l)	30660(c)
12280(m)	30665
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12280(o)	30675(b)
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12281(e)	30735(a)-(b)
12281(f)(1)-(3)	30720
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12281(g)	30725(a)
12281(h)	30730(a)
12281(i)	30710
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12285(b)(1), 3d sent.	30920(b)
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12285(b)(3), 1st sent.	30930
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12285(b)(4)	30940
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12289.5	31110
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12301(a)(3), 1st sent.	16460(a)
12301(a)(3), 2d sent.	16160
12301(a)(3), 3d sent.	16180
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12301(b)	16510
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12305(b)	18900(b)
12305(c)	18900(c)
12305(d)	18900(d)
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12316(a)(1)(B), 1st sent.	30300(a)
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12316(a)(2), 1st sent.	30300(b)
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12316(b)(3)	30305(b)
12316(c)	30310
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12804(c)(1), 3d sent.	31640(c)
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