

Memorandum 2009-46

**Nonsubstantive Reorganization of Deadly Weapon Statutes:
Corrections of 6/24/09 Pre-Print Report**

Over the course of the summer, the Commission's 6/24/09 pre-print report on *Nonsubstantive Reorganization of Deadly Weapon Statutes* was cite-checked by Anne Shiau, a student at UC Davis School of Law. This was a time-consuming job, because the report is 656 pages long.

Anne identified a number of errors, and we are grateful for her patient assistance with this detail-intensive project. The staff also spotted one additional error.

The errors that need to be corrected are as follows:

- **Page 123, § 18005(c).** Replace "is not sold under subdivision (b)" with "is not sold under subdivision (a)." In the 6/24/09 preprint recommendation, proposed Section 18005(c) provides for destruction of any weapon that "is not of the type that can be sold to the public, generally, or is not sold under subdivision (b)" (Emphasis added.) But subdivision (b) does not deal with sales of weapons; it says that a stolen weapon shall be restored to the lawful owner. The provision under which weapons may be sold to the public generally is subdivision (a) of proposed Section 18005. Thus, proposed Section 18005(c) should be revised to provide for destruction of any weapon that "is not of the type that can be sold to the public, generally, or is not sold under subdivision (a)" (Emphasis added.)
- **Page 123, § 18005(d).** Replace "pursuant to subdivision (b) or (c)" with "pursuant to subdivision (a) or (c)." In the 6/24/09 preprint recommendation, proposed Section 18005(d) says that "[n]o stolen weapon shall be sold or destroyed pursuant to subdivision (b) or (c) unless reasonable notice is given" (Emphasis added.) But subdivision (b) does not deal with sales of weapons; it says that a stolen weapon shall be restored to the lawful owner. The provision under which weapons may be sold is subdivision (a) of proposed Section 18005. Thus, proposed Section 18005(d) should be revised to says that "[n]o stolen weapon shall be sold or destroyed pursuant to subdivision (a) or (c) unless reasonable notice is given" (Emphasis added.)

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.

- **Page 198, § 25850 Cmt., 3d ¶.** Replace “existing” with “existence.” The parenthetical should say “determining existence of prior conviction”, not “determining existing of prior conviction.”
- **Page 202, § 26010 Cmt., 2d ¶.** Revise this paragraph as follows: See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and ~~“revolver.”~~ “revolver”).
- **Page 231, § 26815(a).** Replace “fee required pursuant to Section 28220” with “fee required pursuant to Section 28225.” The correct cross-reference is to Section 28225, not to Section 28220. Section 28225 would continue the material currently cross-referenced, which requires payment of a fee; Section 28220 does not relate to fees.
- **Page 409, § 32100 Cmt., 2d ¶.** Replace “16520 (‘firearm capable of being concealed upon the person,’)” with “16530 (‘firearm capable of being concealed upon the person,’)” The definition of “firearm capable of being concealed upon the person,” “pistol,” and “revolver” is in Section 16530, not Section 16520.
- **Page 411, § 32105 Cmt., 2d ¶.** Replace “16520 (‘firearm capable of being concealed upon the person,’)” with “16530 (‘firearm capable of being concealed upon the person,’)” The definition of “firearm capable of being concealed upon the person,” “pistol,” and “revolver” is in Section 16530, not Section 16520.

Unless the Commission otherwise directs, the staff will incorporate these changes into the final printed version of the Commission’s report. If anyone is aware of any additional errors, or has a concern about any of the points discussed above, **please bring that matter to the Commission’s attention.**

Respectfully submitted,

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