

SENATE RULES COMMITTEE

AB 50

Office of Senate Floor Analyses

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THIRD READING

Bill No: AB 50
Author: Koretz (D), et al
Amended: 7/27/04 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 4-2, 6/22/04

AYES: Vasconcellos, Burton, Romero, Sher

NOES: McPherson, Margett

SENATE APPROPRIATIONS COMMITTEE: 7-5, 8/12/04

AYES: Alpert, Bowen, Burton, Escutia, Karnette, Murray, Speier

NOES: Battin, Aanestad, Ashburn, Johnson, Poochigian

NO VOTE RECORDED: Machado

ASSEMBLY FLOOR: 43-28, 6/5/03 - See last page for vote

SUBJECT: .50 Caliber BMG rifles

SOURCE: Trauma Center
Brady Campaign to Prevent Gun Violence
City of Los Angeles

DIGEST: This bill, effective January 1, 2005, prohibits the sale of .50 caliber BMG rifles. This bill authorizes the State Department of Justice to register legally-possessed BMG rifles until April 30, 2006, to assess a \$25 registration fee, and to issue dangerous weapons permits for their possession, sale, manufacture and transportation. This bill makes it a misdemeanor to possess a BMG rifle that is not registered after April 30, 2007. This bill expands existing law to make assault with a BMG rifle a felony punishable by four, eight or 12 years in state prison.

ANALYSIS: Existing law makes it an offense for any person to commit an assault upon the person of another with a machine gun or an assault weapon. Existing law also makes it an offense for any person to commit an assault upon the person of a peace officer or firefighter, as specified, with a machine gun or assault weapon.

This bill expands each of these offenses to include an assault with a .50 BMG rifle, as defined.

Existing law establishes the Prohibited Armed Persons File database that tracks possession or ownership of firearms and assault weapons, as specified.

This bill includes tracking the possession and ownership of .50 BMG rifles in the database, as specified.

Existing law defines “assault weapon” for purposes of regulation.

This bill defines “.50 BMG rifle” and “.50 BMG cartridge” for purposes of regulation.

Existing law makes it an offense, subject to certain exceptions, for any person to manufacture or cause to be manufactured, import into this state, transport, distribute, keep for sale, offer or expose for sale, give, lend, or possess an assault weapon, as specified, and provides a sentence enhancement for anyone who transfers, lends, sells, or gives an assault weapon to a minor, as specified.

This bill extends those provisions to include a .50 BMG rifle. However, it will not apply during the first 180 days of the 2005 calendar year to the importation into California by a person who lawfully possessed that .50 BMG rifle in this state prior to January 1, 2005 or a .50 BMG rifle that is not defined as an assault weapon by any person prior to May 1, 2006, if specified provisions are met.

Existing law provides a scheme for registration and issuance of permits in connection with assault weapons.

This bill establishes similar provisions for the registration and issuance of permits in connection with .50 BMG rifles. This bill authorizes the State

Department of Justice to charge a registration fee not exceeding \$25 for the registration of a .50 BMG rifle, as specified.

Existing law forbids the broadcast over police radio of information that an individual has registered, or has a permit to possess, an assault weapon, with specified exceptions.

This bill expands those provisions to cover individuals who register or have permits to possess .50 BMG rifles.

Existing law provides that persons may arrange to relinquish an assault weapon to a police or sheriff's department.

This bill similarly permits persons to arrange to relinquish a .50 BMG rifle to a police or sheriff's department.

This bill makes numerous conforming cross-references.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

	Fiscal Impact (in thousands)			
<u>Major Provisions</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>	<u>Fund</u>
Registration		\$50	See notes	Special*
Permits, inspections		\$10	See notes	Special*
Data processing		\$108	See notes	General
Felony expansion	Unknown costs, potentially >\$150 annually			General
Misdemeanor	Unknown costs, offset by fines			Local

* Dealers Record of Sale Fund. Costs fully offset by fees.

SUPPORT: (Verified 8/13/04)

Trauma Center (co-source)
Brady Campaign to Prevent Gun Violence (co-source)
City of Los Angeles (co-source)
City of West Hollywood

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California Chapter, American College of Emergency Physicians
California Nurses Association
California Organization of Police and Sheriffs
Coalition to Stop Gun Violence
Community Wellness Partnership of Pomona
Consumer Federation of California
League of California Cities
Legal Community Against Violence
Los Angeles County District Attorneys Association
Los Angeles County Sheriff's Department
Los Angeles District Attorney's Office
Los Angeles Police Chief William Bratton
Million Mom March
Physicians for a Violence-free Society
State Department of Finance
Violence Prevention Coalition of Greater Los Angeles
Women Against Gun Violence

OPPOSITION: (Verified 8/13/04)

C5 Corvette Performance
Calreo Construction
California Rifle and Pistol Association
California Sportsman's Lobby, Inc.
Citizen's Committee for the Right to Keep and Bear Arms
EDM Arms
Fifty Caliber Shooters Association, Inc.
Fifty Caliber Shooters Policy Institute
Gun Owners of California
Herb Bauer Sporting Goods
Howard Jarvis Taxpayers Association
Interconnect Systems, Inc.
National Rifle Association
NRA Members' Council of Silicon Valley
Outdoor Sportsman's Coalition of California
President of McMillan Brothers Rifle Co, Inc
President, ArmaLite, Inc.
President, the ROBAR Companies, Inc.
Safari Club International
Spider Firearms

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ARGUMENTS IN SUPPORT: According to the author's office:

“Fifty BMG caliber sniper rifles and .50 BMG ammunition are armaments designed for military applications involving the destruction of infrastructure and anti-personnel purposes. The military uses these weapons to destroy concrete structures, including bunkers, light armored vehicles, and stationary tactical targets such as fuel storage facilities, aircraft, communications structures and energy transfer stations. Current California law recognizes 50 BMG caliber sniper rifles and their ammunition the same as any other rifle and does not differentiate between these 50 caliber war weapons and other rifles more commonly used for sport such as a .22, .30-06 or 12 gauge shot gun. Currently to purchase a 50 BMG caliber sniper rifle one only has to complete a background check and wait ten days to receive these extremely destructive war weapons. Current law also requires that records of rifle purchases be destroyed immediately upon conclusion of the sale, thus we currently have no way of knowing who, or how many persons, currently are in legal possession of 50 BMG caliber weapons. 50 BMG caliber weapons and their ammunition have increasingly been manufactured and marketed to civilians over the past several years. There is increasing evidence of these weapons falling into the hands of political extremists and terrorists, and more recently drug and street gangs. The manufacturers of these weapons have been reducing the weight, enhancing portability and lowering the price to own these weapons, so there is currently an expanding proliferation of these war weapons. The facts indicate that 50 BMG caliber sniper weapons and .50 BMG ammunition present a clear and present public health and safety danger to California and the nation. It is time for California to strictly regulate these weapons just as we have other war weapons such as assault weapons by closing off future supplies and requiring those who currently possess them to come forward and register them with the state Department of Justice.”

ARGUMENTS IN OPPOSITION: The National Rifle Association opposition to this bill includes the following:

“...The proponents of AB 50 claim that .50 caliber rifles constitute a ‘terrorist threat’ to the citizens of California. But no evidence has been presented to the legislature, that .50 caliber rifles have been used in any crimes in California. The fact is that, the major California law

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enforcement groups representing both the Sheriffs and Police Chiefs do not support AB 50. Even the National Transportation Safety Administration when asked about the potential threat of .50 caliber rifles in a New York Times article published on Jan. 30, 2003, the agency was quoted as saying, 'We just don't feel it is high on the list of potential threats.' The provisions of AB 50 would also ban the possession of .50 caliber cartridges. There are thousands of collectors, military museums and retired military veterans that have collected the 50 caliber cartridges as curios and keepsakes. There are no provisions in AB 50 to fund any public education campaign to inform Californians how they can avoid becoming criminals. In 1990, it is estimated that the Department of Justice spent a quarter of a million dollars in costs associated with administering, enforcing and informing the public about the passage of the so-called 'Assault Weapons' legislation. The costs of AB 50 will also be substantial. If there is no public education campaign, thousands of veterans, collectors and shooters would find themselves in legal peril if they do not dispose of the .50 caliber cartridges and register their rifles within the short time allowed by AB 50. Californians that fail to comply with AB 50 will lose their right to possess firearms for the rest of their lives."

ASSEMBLY FLOOR:

AYES: Berg, Bermudez, Calderon, Canciamilla, Chan, Chavez, Chu, Cohn, Diaz, Dutra, Dymally, Firebaugh, Frommer, Goldberg, Hancock, Jerome Horton, Jackson, Kehoe, Koretz, Laird, Leno, Levine, Lieber, Liu, Longville, Lowenthal, Maldonado, Montanez, Mullin, Nakano, Nation, Nunez, Oropeza, Pavley, Reyes, Ridley-Thomas, Simitian, Steinberg, Vargas, Wiggins, Wolk, Yee, Wesson

NOES: Aghazarian, Bates, Bogh, Campbell, Cogdill, Cox, Daucher, Dutton, Garcia, Harman, Haynes, Keene, La Malfa, La Suer, Leslie, Maddox, Maze, McCarthy, Mountjoy, Nakanishi, Pacheco, Plescia, Richman, Runner, Samuelian, Spitzer, Strickland, Wyland

NO VOTE RECORDED: Benoit, Corbett, Correa, Shirley Horton, Houston, Matthews, Negrete McLeod, Parra, Salinas

RJG:mel 8/14/04 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****