AMENDED IN ASSEMBLY MAY 2, 2013 AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013-14 REGULAR SESSION

ASSEMBLY BILL

No. 180

Introduced by Assembly Member Bonta

January 24, 2013

An act to amend Section 53071 of the Government Code, and to amend Section 25605 of the Penal Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 180, as amended, Bonta. Registration and licensing of firearms: exclusive regulation by the Legislature.

Existing law states the intention of the Legislature to occupy the whole field of regulation of registration or licensing of commercially manufactured firearms as encompassed by the Penal Code to the exclusion of all local regulations.

This bill would provide an exception to those provisions by authorizing the City of Oakland to enact-and enforce an ordinance or regulation that is more restrictive than state law regulating the registration or licensing of commercially manufactured firearms as encompassed by the Penal Code and make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53071 of the Government Code is 2 amended to read:

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53071. (a) It is the intention of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms, by any political subdivision as defined in Section 1721 of the Labor Code.

- (b) Notwithstanding subdivision (a), the City of Oakland may enact-and enforce an ordinance or regulation that is more restrictive than state law regulating the registration or licensing of commercially manufactured firearms as encompassed by the Penal Code.
- SEC. 2. Section 25605 of the Penal Code is amended to read: 25605. (a) Section 25400 and Chapter 6 (commencing with Section 26350) of Division 5 shall not apply to or affect any citizen of the United States or legal resident over the age of 18 years who resides or is temporarily within this state, and who is not within the excepted classes prescribed by Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, who carries, either openly or concealed, anywhere within the citizen's or legal resident's place of residence, place of business, or on private property owned or lawfully possessed by the citizen or legal resident, any handgun.
- (b) No-A permit or license to purchase, own, possess, keep, or carry, either openly or concealed, shall *not* be required of any citizen of the United States or legal resident over the age of 18 years who resides or is temporarily within this state, and who is not within the excepted classes prescribed by Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, to purchase, own, possess, keep, or carry, either openly or concealed, a handgun within the citizen's or legal resident's place of residence, place of business, or on private property owned or lawfully possessed by the citizen or legal resident.
- (c) Nothing in this This section shall not be construed as affecting the application of Sections 25850 to 26055, inclusive.

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1 (d) This section shall not be construed as affecting the application of subdivision (b) of Section 53071 of the Government 3 Code.