

AB 565 - MULTIBURST TRIGGER ACTIVATOR AND UNCONVENTIONAL SHOTGUN BAN

The multiburst trigger activator is a device that can be attached to the trigger of a semiautomatic firearm which allows the firearm to discharge two or more shots in a burst by activating the device. This device allows a semiautomatic weapon to fire more rapidly, similar to a fully automatic weapon.

AB 565 makes these trigger activators illegal. Additionally, the bill bans unconventional shotguns, any rotary cylinder shotgun (Streetsweeper or Striker), and any detachable shotgun magazine in excess of six rounds.

AB 334 - PENALTIES

Current law imposes certain penalties for the use of firearms in the commission of a crime. AB 334 increases those penalties for assault with a semiautomatic or machinegun upon a citizen or peace officer.

Current Law

AB 334

Assault with a Semiautomatic:

Upon a Citizen:

6 mos. to 1 year in Co. Jail; or  
2, 3, or 4 years in State Prison;  
and/or maximum \$10,000 fine

4, 8, or 12 years  
in State Prison

Upon a Peace Officer:

4, 6, or 8 years in State Prison

6, 9, or 12 years  
in State Prison

Assault with a Machinegun

Upon a Citizen:

6 mos. to 1 year in Co. Jail; or  
2, 3, or 4 years in State Prison;  
and/or maximum \$10,000 fine

6, 9, or 12 years  
in State Prison

Upon a Peace Officer:

4, 6, or 8 years in State Prison

8, 10, or 15 years  
in State Prison

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AMENDED IN ASSEMBLY MARCH 13, 1989

CALIFORNIA LEGISLATURE—1989-90 REGULAR SESSION

**ASSEMBLY BILL**

**No. 565**

**Introduced by Assembly Member Klehs**

**February 9, 1989**

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**An act to amend Section 12020 of the Penal Code, relating to weapons.**

**LEGISLATIVE COUNSEL'S DIGEST**

**AB 565, as amended, Klehs. Weapons.**

Existing law makes it a felony for any person in this state to manufacture or cause to be manufactured, import into the state, keep for sale, or offer or expose for sale, or give, lend, or possess certain listed weapons and related items.

This bill would make technical nonsubstantive changes, and would revise in that list the definitions of the terms "rifle" and "shotgun" to also include a weapon designed or redesigned, made or remade, and intended to be fired from the hip. In addition, the bill would include in the list a "multiburst trigger activator," an "unconventional shotgun," a "rotary cylinder shotgun," and a "detachable shotgun magazine," as defined, thus creating a state-mandated local program by expanding the scope of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 12020 of the Penal Code is  
2 amended to read:

3 12020. (a) Any person in this state who manufactures  
4 or causes to be manufactured, imports into the state,  
5 keeps for sale, or offers or exposes for sale, or who gives,  
6 lends, or possesses any cane gun or wallet gun, any plastic  
7 firearm, any firearm which is not immediately  
8 recognizable as a firearm, any camouflaging firearm  
9 container, any ammunition which contains or consists of  
10 any flechette dart, any bullet containing or carrying an  
11 explosive agent, any ballistic knife, any unconventional  
12 shotgun, any rotary cylinder shotgun, any detachable  
13 shotgun magazine, any short-barreled shotgun, any  
14 multiburst trigger activator, any short-barreled rifle, any  
15 metal knuckles, any belt buckle knife, any leaded cane,  
16 any zip gun, any shuriken, any unconventional pistol, any  
17 lipstick case knife, any cane sword, any shobi-zue, any air  
18 gauge knife, any writing pen knife, or any instrument or  
19 weapon of the kind commonly known as a blackjack,  
20 slungshot, billy, nunchaku, sandclub, sap, or sandbag, or  
21 who carries concealed upon his or her person any  
22 explosive substance, other than fixed ammunition or who  
23 carries concealed upon his or her person any dirk or  
24 dagger, is guilty of a felony, and upon conviction shall be  
25 punishable by imprisonment in the county jail not  
26 exceeding one year or in a state prison. A bullet  
27 containing or carrying an explosive agent is not a  
28 destructive device as that term is used in Section 12301.

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

31 (1) The sale to, purchase by, or possession of  
32 short-barreled shotguns or short-barreled rifles, by police  
33 departments, sheriffs' offices, city marshals' offices, the  
34 California Highway Patrol, the Department of Justice, or  
35 the military or naval forces of this state or of the United  
36 States for use in the discharge of their official duties or the  
37 possession of short-barreled shotguns and short-barreled  
38 rifles by regular, salaried, full-time members of a police

1 department, sheriff's office, city marshal's office, the  
2 California Highway Patrol, or the Department of Justice  
3 when on duty and the use is authorized by the agency and  
4 is within the course and scope of their duties.

5 (2) The manufacture, possession, transportation or  
6 sale of short-barreled shotguns or short-barreled rifles  
7 when authorized by the Department of Justice pursuant  
8 to Article 6. (commencing with Section 12095) of this  
9 chapter and not in violation of federal law.

10 (3) The possession of a nunchaku on the premises of a  
11 school which holds a regulatory or business license and  
12 teaches the arts of self-defense.

13 (4) The manufacture of a nunchaku for sale to, or the  
14 sale of a nunchaku to, a school which holds a regulatory  
15 or business license and teaches the arts of self-defense.

16 (5) Any antique firearm. For purposes of this section,  
17 "antique firearm" means any firearm not designed or  
18 redesigned for using rim fire or conventional center fire  
19 ignition with fixed ammunition and manufactured in or  
20 before 1898 (including any matchlock, flintlock,  
21 percussion cap, or similar type of ignition system, or  
22 replica thereof, whether actually manufactured before or  
23 after the year 1898) and also any firearm using fixed  
24 ammunition manufactured in or before 1898, for which  
25 ammunition is no longer manufactured in the United  
26 States and is not readily available in the ordinary  
27 channels of commercial trade.

28 (6) Tracer ammunition manufactured for use in  
29 shotguns.

30 (7) Any firearm or ammunition which is a curio or  
31 relic as defined in Section 178.11 of Title 27 of the Code  
32 of Federal Regulations and which is in the possession of  
33 a person permitted to possess such items pursuant to  
34 Chapter 44 (commencing with Section 921) of Title 18 of  
35 the United States Code and the regulations issued  
36 pursuant thereto. Any person prohibited by Section 12021  
37 or 12101 of this code or Section 8103 of the Welfare and  
38 Institutions Code from possessing such firearms or  
39 ammunition who obtains title to such items by bequest or  
40 intestate succession may retain title for not more than

1 one year, but actual possession of such items at any time  
2 shall be punishable pursuant to Section 12021 or 12101 of  
3 this code or Section 8103 of the Welfare and Institutions  
4 Code. Within such year the person shall transfer title to  
5 such firearms or ammunition by sale, gift, or other  
6 disposition. Any person who violates this paragraph is in  
7 violation of subdivision (a).

8 (8) Any other weapon as defined in subsection (e) of  
9 Section 5845 of Title 26 of the United States Code and  
10 which is in the possession of a person permitted to possess  
11 the weapons pursuant to the federal Gun Control Act of  
12 1968 (Public Law 90-618), as amended, and the  
13 regulations issued pursuant thereto. Any person  
14 prohibited by Section 12021 or 12101 of this code or  
15 Section 8103 of the Welfare and Institutions Code from  
16 possessing these weapons who obtains title to these  
17 weapons by bequest or intestate succession may retain  
18 title for not more than one year, but actual possession of  
19 these weapons at any time is punishable pursuant to  
20 Section 12021 or 12101 of this code or Section 8103 of the  
21 Welfare and Institutions Code. Within that year the  
22 person shall transfer title to the weapons by sale, gift, or  
23 other disposition. Any person who violates this paragraph  
24 is in violation of subdivision (a). The exemption provided  
25 in this subdivision does not apply to pen guns.

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

32 (10) Instruments or devices, other than short-barreled  
33 shotguns or short-barreled rifles, that are possessed or  
34 utilized during the course of a motion picture, television,  
35 or video production or entertainment event by an  
36 authorized participant therein in the course of making  
37 that production or event or by an authorized employee  
38 or agent of the entity producing that production or event.

39 (11) Instruments or devices, other than short-barreled  
40 shotguns or short-barreled rifles, that are sold by,

1 manufactured by, exposed or kept for sale by, possessed  
2 by, imported by, or lent by persons who are in the  
3 business of selling instruments or devices listed in  
4 subdivision (a) solely to the entities referred in  
5 paragraphs (9) and (10) when engaging in transactions  
6 with those entities.

7 (12) The sale to, possession of, or purchase of, any  
8 weapon, device, or ammunition, other than a  
9 short-barreled rifle or short-barreled shotgun, by any  
10 federal, state, county, city and county, or city agency that  
11 is charged with the enforcement of any law for use in the  
12 discharge of their official duties, or the possession of any  
13 weapon, device, or ammunition, other than  
14 short-barreled rifles and shotguns, when on duty and the  
15 use is authorized by the agency and is within the course  
16 and scope of their duties.

17 (13) Weapons, devices, and ammunition, other than  
18 short-barreled rifles and short-barreled shotguns, that are  
19 sold by, manufactured by, exposed, or kept for sale by,  
20 possessed by, imported by, or lent by, persons who are in  
21 the business of selling weapons, devices, and ammunition  
22 listed in subdivision (a) solely to the entities referred to  
23 in paragraph (12) when engaging in transactions with  
24 those entities.

25 (14) The manufacture for, sale to, exposing or keeping  
26 for sale to, importation of, or lending of, wooden clubs or  
27 batons to special police officers or uniformed security  
28 guards authorized to carry any wooden club or baton  
29 pursuant to Section 12002 by entities that are in the  
30 business of selling wooden batons or clubs to special  
31 police officers and uniformed security guards when  
32 engaging in transactions with those persons.

33 (c) (1) As used in this section, "short-barreled  
34 shotgun" means any of the following:

35 (A) A firearm which is designed or redesigned to fire  
36 a fixed shotgun shell and having a barrel or barrels of less  
37 than 18 inches in length.

38 (B) A firearm which has an overall length of less than  
39 26 inches and which is designed or redesigned to fire a  
40 fixed shotgun shell.

1 (C) Any weapon made from a shotgun (whether by  
2 alteration, modification, or otherwise) if that weapon, as  
3 modified, has an overall length of less than 26 inches or  
4 a barrel or barrels of less than 18 inches in length.

5 (D) Any device which may be readily restored to fire  
6 a fixed shotgun shell which, when so restored, is a device  
7 defined in subparagraphs (A) to (C), inclusive.

8 (E) Any part, or combination of parts, designed and  
9 intended to convert a device into a device defined in  
10 subparagraphs (A) to (C), inclusive, or any combination  
11 of parts from which a device defined in subparagraphs  
12 (A) to (C), inclusive, can be readily assembled if those  
13 parts are in the possession or under the control of the  
14 same person.

15 (2) As used in this section, "short-barreled rifle"  
16 means any of the following:

17 (A) A rifle having a barrel or barrels of less than 16  
18 inches in length.

19 (B) A rifle with an overall length of less than 26 inches.

20 (C) Any weapon made from a rifle (whether by  
21 alteration, modification, or otherwise) if that weapon as  
22 modified has an overall length of less than 26 inches or a  
23 barrel or barrels of less than 16 inches in length.

24 (D) Any device which may be readily restored to fire  
25 a fixed cartridge which, when so restored, is a device  
26 defined in subparagraphs (A) to (C), inclusive.

27 (E) Any part, or combination of parts, designed and  
28 intended to convert a device into a device defined in  
29 subparagraphs (A) to (C), inclusive, or any combination  
30 of parts from which a device defined in subparagraphs  
31 (A) to (C), inclusive, may be readily assembled if those  
32 parts are in the possession or under the control of the  
33 same person.

34 (3) As used in this section, "nunchaku" means an  
35 instrument consisting of two or more sticks, clubs, bars or  
36 rods to be used as handles, connected by a rope, cord,  
37 wire or chain, in the design of a weapon used in  
38 connection with the practice of a system of self-defense  
39 such as karate.

40 (4) As used in this section, "wallet gun" means any

1 firearm mounted or enclosed in a case, resembling a  
2 wallet, designed to be or capable of being carried in a  
3 pocket or purse, if such firearm may be fired while  
4 mounted or enclosed in such case.

5 (5) As used in this section, "cane gun" means any  
6 firearm mounted or enclosed in a stick, staff, rod, crutch  
7 or similar device, designed to be or capable of being used  
8 as an aid in walking, if such firearm may be fired while  
9 mounted or enclosed therein.

10 (6) As used in this section, "flechette dart" means a  
11 dart, capable of being fired from a firearm, which  
12 measures approximately one inch in length, with tail fins  
13 which take up five-sixteenths of an inch of the body.

14 (7) As used in this section, "metal knuckles" means  
15 any device or instrument made wholly or partially of  
16 metal which is worn for purposes of offense or defense in  
17 or on the hand and which either protects the wearer's  
18 hand while striking a blow or increases the force of  
19 impact from the blow or injury to the individual  
20 receiving the blow. The metal contained in the device  
21 may help support the hand or fist, provide a shield to  
22 protect it, or consist of projections or studs which would  
23 contact the individual receiving a blow.

24 (8) As used in this section, "ballistic knife" means a  
25 device that propels a knife-like blade as a projectile by  
26 means of a coil spring, elastic material, or compressed gas.  
27 Ballistic knife does not include any device which propels  
28 an arrow or a bolt by means of any common bow,  
29 compound bow, crossbow, or underwater spear gun.

30 (9) As used in this section, "camouflaging firearm  
31 container" means a container which meets all of the  
32 following:

33 (A) It is designed and intended to enclose a firearm.

34 (B) It is designed and intended to allow the firing of  
35 the enclosed firearm by external controls while the  
36 firearm is in the container.

37 (C) It is not readily recognizable as containing a  
38 firearm.

39 "Camouflaging firearm container" does not include  
40 any camouflaging covering used while engaged in lawful

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hunting or while going to or returning from a lawful hunting expedition.

(10) As used in this section, "zip gun" means any weapon or device which meets all of the following criteria:

(A) It was not imported as a firearm by an importer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 44 of the United States Code and the regulations issued pursuant thereto.

(B) It was not originally designed to be a firearm by a manufacturer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 44 of the United States Code and the regulations issued pursuant thereto.

(C) No tax was paid on the weapon or device nor was an exemption from paying tax on that weapon or device granted under Section 4181 and subchapters F (commencing with Section 4216) and G (commencing with Section 4221) of Chapter 32 of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.

(D) It is made or altered to expel a projectile by the force of an explosion or other form of combustion.

(E) It has a barrel or barrels less than 18 inches in length or an overall length of less than 26 inches.

(11) As used in this section, "shuriken" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing.

(12) As used in this section, "unconventional pistol" means a pistol or revolver that does not have a rifled bore and has a barrel or barrels of less than 18 inches in length or has an overall length of less than 26 inches.

(13) As used in this section, "belt buckle knife" is a knife which is made an integral part of a belt buckle and consists of a blade with a length of at least 2 1/2 inches.

(14) As used in this section, "lipstick case knife" means a knife enclosed within and made an integral part of a lipstick case.

1 (15) As used in this section, "cane sword" means a  
2 cane, swagger stick, stick, staff, rod, pole, umbrella, or  
3 similar device, having concealed within it a blade that  
4 may be used as a sword or stiletto.

5 (16) As used in this section, "shobi-zue" means a staff,  
6 crutch, stick, rod, or pole concealing a knife or blade  
7 within it which may be exposed by a flip of the wrist or  
8 by a mechanical action.

9 (17) As used in this section, "leaded cane" means a  
10 staff, crutch, stick, rod, pole, or similar device,  
11 unnaturally weighted with lead.

12 (18) As used in this section, "air gauge knife" means a  
13 device that appears to be an air gauge but has concealed  
14 within it a pointed, metallic shaft that is designed to be  
15 a stabbing instrument which is exposed by mechanical  
16 action or gravity which locks into place when extended.

17 (19) As used in this section, "writing pen knife" means  
18 a device that appears to be a writing pen but has  
19 concealed within it a pointed, metallic shaft that is  
20 designed to be a stabbing instrument which is exposed by  
21 mechanical action or gravity which locks into place when  
22 extended or the pointed, metallic shaft is exposed by the  
23 removal of the cap or cover on the device.

24 (20) As used in this section, "rifle" means a weapon  
25 designed or redesigned, made or remade, and intended  
26 to be fired from the shoulder or from the hip and  
27 designed or redesigned and made or remade to use the  
28 energy of the explosive in a fixed cartridge to fire only a  
29 single projectile through a rifled bore for each single pull  
30 of the trigger.

31 (21) As used in this section, "shotgun" means a  
32 weapon designed or redesigned, made or remade, and  
33 intended to be fired from the shoulder or from the hip  
34 and designed or redesigned and made or remade to use  
35 the energy of the explosive in a fixed shotgun shell to fire  
36 through a smooth bore either a number or projectiles  
37 (ball shot) or a single projectile for each pull of the  
38 trigger.

39 (22) As used in this section, "plastic firearm" means  
40 any weapon (including a starter gun) which will or is

1 designed to, or may readily be converted to, expel a  
2 projectile by the action of an explosive, and which meets  
3 one of the following requirements:

4 (A) It contains less than 3.7 ounces of  
5 electromagnetically detectable metal.

6 (B) One of its major components, which includes the  
7 barrel, slide, cylinder, frame, or receiver, does not  
8 generate an image that accurately depicts the shape of  
9 the component when subjected to inspection by X-ray  
10 machines commonly used at airports. The purpose of this  
11 requirement is satisfied if the required image results from  
12 the infusion into the component of barium sulfate or  
13 other compound.

14 All firearm detection equipment newly installed in  
15 nonfederal public buildings in this state shall be of a type  
16 identified by either the United States Attorney General,  
17 the Secretary of Transportation, or the Secretary of the  
18 Treasury, as appropriate, as available state-of-the-art  
19 equipment capable of detecting a plastic firearm, as  
20 defined, while distinguishing innocuous metal objects  
21 likely to be carried on one's person sufficient for  
22 reasonable passage of the public.

23 (23) As used in this section, "multiburst trigger  
24 activator" means a device *designed or redesigned to be*  
25 *attached to the trigger of a semiautomatic firearm which*  
26 *allows the firearm to discharge two or more shots in a*  
27 *burst by activating the device.*

28 (24) As used in this section, "unconventional shotgun"  
29 means a ~~firearm~~ that is designed or redesigned to fire  
30 fixed shotgun shells and meets any of the following:

31 (A) It is semiautomatic and is capable of being fed  
32 fixed shotgun shells by means of a detachable magazine.

33 (B) It is *capable of being fed fixed shotgun shells by*  
34 *means of a belt.*

35 (C) It has a barrel or barrels less than 20 inches in  
36 length and has a folding stock.

37 (D) *It has a combined chamber and magazine*  
38 *capacity in excess of six rounds. The insertion of a plug or*  
39 *other device into the magazine so as to limit the number*  
40 *of fixed shotgun shells that may be inserted into the*

1 magazine to less than six fixed shotgun shells is sufficient  
2 to comply with the requirements of this subparagraph.

3 An "unconventional shotgun" includes the frame or  
4 receiver of any such weapon.

5 (25) As used in this section, "rotary cylinder shotgun"  
6 means a firearm that meets all of the following:

7 (A) It is designed or redesigned to fire fixed shotgun  
8 shells which are contained within a rotary cylinder  
9 behind the firearm's barrel.

10 (B) It contains a mechanism which will index the  
11 cylinder round so as to present a fresh round to the barrel  
12 after each pull of the trigger.

13 A "rotary cylinder shotgun" includes the frame or  
14 receiver of any such weapon.

15 (26) As used in this section, "detachable shotgun  
16 magazine" means a device that meets all of the following:

17 (A) It is designed or redesigned to attach to a firearm  
18 that is designed or redesigned to fire a fixed shotgun shell.

19 (B) It is designed to feed fixed shotgun shells into that  
20 firearm.

21 (C) It is designed or redesigned to hold more than  
22 four fixed shotgun shells.

23 (d) Knives carried in sheaths which are worn openly  
24 suspended from the waist of the wearer are not concealed  
25 within the meaning of this section.

26 ~~SEC. 2.~~

27 SEC. 2. No reimbursement is required by this act  
28 pursuant to Section 6 of Article XIII B of the California  
29 Constitution because the only costs which may be  
30 incurred by a local agency or school district will be  
31 incurred because this act creates a new crime or  
32 infraction, changes the definition of a crime or infraction,  
33 changes the penalty for a crime or infraction, or  
34 eliminates a crime or infraction. Notwithstanding Section  
35 17580 of the Government Code, unless otherwise  
36 specified in this act, the provisions of this act shall become  
37 operative on the same date that the act takes effect  
38 pursuant to the California Constitution.