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AB-97 Firearms: unserialized firearms. (2023-2024)

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Assembly Bill No. 97

CHAPTER 233

An act to add and repeal Section 29305 of the Penal Code, relating to firearms.

[Approved by Governor September 26, 2023. Filed with Secretary of State September 26, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 97, Rodriguez. Firearms: unserialized firearms.

Existing law requires a person that is manufacturing a firearm or assembling a firearm from unserialized components, to apply to the Department of Justice for a unique mark of identification and to affix that mark to the firearm, as specified. Existing law prohibits a person, corporation, or firm from knowingly manufacturing or assembling, or to knowingly cause, allow, facilitate, aid, or abet the manufacture or assembling of, a firearm that is not imprinted with a valid state or federal serial number or mark of identification. Under existing law, a person who knowingly possesses a firearm that does not have a valid state or federal serial number or mark of identification is guilty of a misdemeanor.

This bill would, until January 1, 2033, require the Department of Justice to collect and report specified information, including, among other things, the number and disposition of arrests made for violations of the provisions mentioned above, as specified. The bill would require the department to prepare and distribute a report, as specified, commencing on July 1, 2025, and annually thereafter, that includes the data collected.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 29305 is added to the Penal Code, to read:

29305. (a) The Department of Justice shall collect and report data on arrests made by law enforcement agencies for offenses related to firearms without a valid state or federal serial number. The department shall collect and report the following data:

(1) The number of arrests for violations of Section 23920.

(2) The number of arrests for violations of Section 29180.

(3) Until January 1, 2029, the disposition of violations of Sections 23920 and 29180, including, without limitation, the number of cases resulting in each of the following dispositions:

(A) An arrest was made, but the arresting law enforcement agency did not submit charges to the district attorney or other prosecuting agency.

(B) An arrest was made, but no charges were filed by the district attorney or other prosecuting agency.

(C) The case was dismissed after charging, either by the court or the district attorney.

(D) The defendant was acquitted.

(E) The defendant was convicted, whether by trial or by plea.

(4) Commencing on January 1, 2029, the disposition of violations of Sections 23920 and 29180 based on the information reported to the department pursuant to subdivision (e) of Section 13370, including, without limitation, the number of cases resulting in each of the following dispositions:

(A) An arrest was made, but the arresting law enforcement agency did not submit charges to the district attorney or other prosecuting agency.

(B) An arrest was made, but no charges were filed by the district attorney or other prosecuting agency.

(C) The case was dismissed after charging, either by the court or the district attorney.

(D) The defendant was acquitted by trial.

(E) The defendant was convicted by plea.

(F) The defendant was convicted by trial.

(b) Commencing on July 1, 2025, and annually thereafter, the department shall issue a report that includes the data collected pursuant to subdivision (a). This report shall be made available in the same manner as described in subdivision (g) of Section 13010.

(c) This section shall remain in effect until January 1, 2033, and as of that date is repealed.