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AB-725 Firearms: reporting of lost and stolen firearms. (2023-2024)

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Assembly Bill No. 725

CHAPTER 239

An act to amend Section 16520 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 725, Lowenthal. Firearms: reporting of lost and stolen firearms.

Existing law requires a person to report any lost or stolen firearm to a law enforcement agency, as specified. A violation of this provision is punishable as an infraction or misdemeanor. Existing law also requires the sheriff or chief of the law enforcement agency receiving such a report to enter a description of the lost or stolen firearm into the Department of Justice Automated Firearms System. Existing law defines a firearm for purposes of these provisions.

This bill would, commencing on July 1, 2026, amend how a firearm is defined for purposes of these provisions to include the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part.

By expanding the definition of firearm, this bill would expand the applicability of a crime and impose a state-mandated local program. Also, by imposing new duties on local law enforcement, this bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 16520 of the Penal Code proposed by AB 733 to be operative only if this bill and AB 733 are enacted and this bill is enacted last.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 16520 of the Penal Code is amended to read:

16520. (a) As used in this part, "firearm" means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

(b) As used in the following provisions, "firearm" includes the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part:

- (1) Section 136.2.
- (2) Section 646.91.
- (3) Sections 16515 and 16517.
- (4) Section 16550.
- (5) Section 16730.
- (6) Section 16960.
- (7) Section 16990.
- (8) Section 17070.
- (9) Section 17310.
- (10) Sections 18100 to 18500, inclusive.
- (11) Section 23690.
- (12) Sections 23900 to 23925, inclusive.
- (13) Commencing on July 1, 2026, Sections 25250 to 25275, inclusive.
- (14) Sections 26500 to 26590, inclusive.
- (15) Sections 26600 to 27140, inclusive.
- (16) Sections 27200 to 28490, inclusive.
- (17) Sections 29010 to 29150, inclusive.
- (18) Section 29185.
- (19) Sections 29610 to 29750, inclusive.
- (20) Sections 29800 to 29905, inclusive.
- (21) Sections 30150 to 30165, inclusive.
- (22) Section 31615.
- (23) Sections 31700 to 31830, inclusive.
- (24) Sections 34355 to 34370, inclusive.
- (25) Sections 527.6 to 527.9, inclusive, of the Code of Civil Procedure.
- (26) Sections 8100 to 8108, inclusive, of the Welfare and Institutions Code.
- (27) Section 15657.03 of the Welfare and Institutions Code.

(c) As used in the following provisions, "firearm" also includes a rocket, rocket propelled projectile launcher, or similar device containing an explosive or incendiary material, whether or not the device is designed for emergency or distress signaling purposes:

- (1) Section 16750.
- (2) Subdivision (b) of Section 16840.
- (3) Section 25400.
- (4) Sections 25850 to 26025, inclusive.
- (5) Subdivisions (a), (b), and (c) of Section 26030.

(6) Sections 26035 to 26055, inclusive.

(d) As used in the following provisions, "firearm" does not include an unloaded antique firearm:

(1) Section 16730.

(2) Section 16550.

(3) Section 16960.

(4) Section 17310.

(5) Subdivision (b) of Section 23920.

(6) Section 25135.

(7) Chapter 6 (commencing with Section 26350) of Division 5 of Title 4.

(8) Chapter 7 (commencing with Section 26400) of Division 5 of Title 4.

(9) Sections 26500 to 26588, inclusive.

(10) Sections 26700 to 26915, inclusive.

(11) Section 27510.

(12) Section 27530.

(13) Section 27540.

(14) Section 27545.

(15) Sections 27555 to 27585, inclusive.

(16) Sections 29010 to 29150, inclusive.

(17) Section 29180.

(e) As used in Sections 34005 and 34010, "firearm" does not include a destructive device.

(f) As used in Sections 17280 and 24680, "firearm" has the same meaning as in Section 922 of Title 18 of the United States Code.

(g) As used in Sections 29180 to 29184, inclusive, "firearm" includes the completed frame or receiver of a weapon.

SEC. 1.5. Section 16520 of the Penal Code is amended to read:

16520. (a) As used in this part, "firearm" means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

(b) As used in the following provisions, "firearm" includes the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part:

(1) Section 136.2.

(2) Section 646.91.

(3) Sections 16515 and 16517.

(4) Section 16550.

(5) Section 16730.

(6) Section 16960.

(7) Section 16990.

(8) Section 17070.

(9) Section 17310.

- (10) Sections 18100 to 18500, inclusive.
- (11) Section 23690.
- (12) Sections 23900 to 23925, inclusive.
- (13) Commencing on July 1, 2026, Sections 25250 to 25275, inclusive.
- (14) Sections 26500 to 26590, inclusive.
- (15) Sections 26600 to 27140, inclusive.
- (16) Sections 27200 to 28490, inclusive.
- (17) Sections 29010 to 29150, inclusive.
- (18) Section 29185.
- (19) Section 29550.
- (20) Sections 29610 to 29750, inclusive.
- (21) Sections 29800 to 29905, inclusive.
- (22) Sections 30150 to 30165, inclusive.
- (23) Section 31615.
- (24) Sections 31700 to 31830, inclusive.
- (25) Sections 34355 to 34370, inclusive.
- (26) Sections 527.6 to 527.9, inclusive, of the Code of Civil Procedure.
- (27) Sections 8100 to 8108, inclusive, of the Welfare and Institutions Code.
- (28) Section 15657.03 of the Welfare and Institutions Code.

(c) As used in the following provisions, "firearm" also includes a rocket, rocket propelled projectile launcher, or similar device containing an explosive or incendiary material, whether or not the device is designed for emergency or distress signaling purposes:

- (1) Section 16750.
- (2) Subdivision (b) of Section 16840.
- (3) Section 25400.
- (4) Sections 25850 to 26025, inclusive.
- (5) Subdivisions (a), (b), and (c) of Section 26030.
- (6) Sections 26035 to 26055, inclusive.

(d) As used in the following provisions, "firearm" does not include an unloaded antique firearm:

- (1) Section 16730.
- (2) Section 16550.
- (3) Section 16960.
- (4) Section 17310.
- (5) Subdivision (b) of Section 23920.
- (6) Section 25135.
- (7) Chapter 6 (commencing with Section 26350) of Division 5 of Title 4.

(8) Chapter 7 (commencing with Section 26400) of Division 5 of Title 4.

(9) Sections 26500 to 26588, inclusive.

(10) Sections 26700 to 26915, inclusive.

(11) Section 27510.

(12) Section 27530.

(13) Section 27540.

(14) Section 27545.

(15) Sections 27555 to 27585, inclusive.

(16) Sections 29010 to 29150, inclusive.

(17) Section 29180.

(e) As used in Sections 34005 and 34010, "firearm" does not include a destructive device.

(f) As used in Sections 17280 and 24680, "firearm" has the same meaning as in Section 922 of Title 18 of the United States Code.

(g) As used in Sections 29180 to 29184, inclusive, "firearm" includes the completed frame or receiver of a weapon.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 16520 of the Penal Code proposed by both this bill and Assembly Bill 733. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 16520 of the Penal Code, and (3) this bill is enacted after Assembly Bill 733, in which case Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.