

AMENDED IN ASSEMBLY APRIL 20, 1999
AMENDED IN ASSEMBLY MARCH 23, 1999
AMENDED IN ASSEMBLY MARCH 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 305

Introduced by Assembly Member Robert Pacheco

February 8, 1999

An act to add Section 12021.2 to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 305, as amended, Robert Pacheco. Firearms.

Existing law provides that any person who has been convicted of a felony who owns or has in his or her possession or under his or her custody or control any firearm is guilty of a felony.

This bill would provide that any previously convicted felon guilty of violating the above provision, whose offense also involves the unlawful carrying of a concealed firearm in a public place or the unlawful carrying of a loaded firearm in a public place, shall be guilty of a felony and shall be punished by 3, 4, or 5 years in the state prison. ~~This bill would also provide that any person guilty of violating this new crime who had previously been convicted of a specified violent felony shall be subject to a mandatory additional penalty of 3 years in state prison.~~ By creating a new crime and enhancement, this bill would impose a state-mandated local program.

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 12021.2 is added to the Penal
2 Code, to read:

3 12021.2. ~~(a)~~ Any previously convicted felon guilty of
4 violating Section 12021, whose offense also involves the
5 carrying of a concealed firearm in a public place in
6 violation of Section 12025 or the carrying of a loaded
7 firearm in a public place in violation of Section 12031, shall
8 be guilty of a felony and shall be punished by three, four,
9 or five years in the state prison, but shall not, in addition,
10 be punished pursuant to Section 12021, 12025, or 12031.

11 ~~(b) Any person guilty of violating subdivision (a) who~~
12 ~~had previously been convicted of a violent felony~~
13 ~~enumerated in Section 12021.1 shall be subject to a~~
14 ~~mandatory additional penalty of three years in state~~
15 ~~prison.~~

16 SEC. 2. No reimbursement is required by this act
17 pursuant to Section 6 of Article XIII B of the California
18 Constitution because the only costs that may be incurred
19 by a local agency or school district will be incurred
20 because this act creates a new crime or infraction,
21 eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section
23 17556 of the Government Code, or changes the definition
24 of a crime within the meaning of Section 6 of Article
25 XIII B of the California Constitution.

26 SEC. 3. *By enacting Section 12021.2, the Legislature*
27 *does not intend to repeal Sections 12021 and 12021.1 of the*
28 *Penal Code or to modify the existing authority and*



1 *discretion of the district attorney to allege that a*
2 *defendant is in violation of those sections.*

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