

AMENDED IN SENATE MARCH 24, 2025

SENATE BILL

No. 649

Introduced by Senator Alvarado-Gil

February 20, 2025

An act to amend ~~Section 679.01 of Section 22949.61 of the Business and Professions Code, and to amend Sections 1203, 18005, 30515, 33410, and 33415 of, and to amend and renumber Section 17210 of, the Penal Code, relating to criminal law: firearms.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 649, as amended, Alvarado-Gil. ~~Criminal law: rights of victims and witnesses of crimes. Firearms: silencers.~~

Existing law generally regulates deadly weapons, including assault weapons. Existing law defines an assault weapon, including, among others, as a semiautomatic centrefire firearm, as specified, that has a threaded barrel capable of accepting a silencer. Existing law defines a silencer, among others, as any device or attachment intended to muffle the sound of a firearm.

Existing law makes it a felony for any person, firm, or corporation to possess a silencer for a firearm. Existing law exempts specified actions from those provisions, including the manufacture, possession, transportation, or sale or other transfer of a silencer to specified law enforcement agencies and military or naval forces by dealers or manufacturers registered under federal law.

Existing law authorizes a court to sentence an eligible person convicted of a felony to probation. Existing law prohibits granting probation in specified circumstances, including if the person possesses a silencer.

Existing law requires any weapon, including a firearm and any attachments, that was carried unlawfully for specified crimes to be surrendered to specified law enforcement entities. Existing law requires weapons surrendered pursuant to these provisions to be destroyed by the law enforcement entity.

This bill would replace the term “silencer” with the term “suppressor” in the above provisions.

~~Existing law declares the intent of the Legislature to ensure that all victims and witnesses of crimes, as defined, are treated with dignity, respect, courtesy, and sensitivity. Existing law enumerates the rights of victims and witnesses of crimes, including, but not limited to, the right to be informed by a prosecuting attorney of the final disposition of a case.~~

~~This bill would make technical, nonsubstantive changes to a related provision.~~

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 22949.61 of the Business and Professions*
- 2 *Code is amended to read:*
- 3 22949.61. For purposes of this chapter, the following
- 4 definitions shall apply:
- 5 (a) “.50 BMG rifle” means a center fire rifle that can fire a .50
- 6 BMG cartridge and is not already an assault weapon or a
- 7 machinegun. “.50 BMG rifle” does not include any antique firearm,
- 8 nor any curio or relic, as defined in Section 478.11 of Title 27 of
- 9 the Code of Federal Regulations.
- 10 (b) (1) “Assault weapon” means the following designated
- 11 semiautomatic firearms:
- 12 (A) All of the following specified rifles:
- 13 (i) All AK series, including, but not limited to, the models
- 14 identified as follows:
- 15 (I) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S,
- 16 84S, and 86S.
- 17 (II) Norinco 56, 56S, 84S, and 86S.
- 18 (III) Poly Technologies AKS and AK47.
- 19 (IV) MAADI AK47 and ARM.
- 20 (ii) UZI and Galil.

- 1 (iii) Beretta AR-70.
- 2 (iv) CETME Sporter.
- 3 (v) Colt AR-15 series.
- 4 (vi) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.
- 5 (vii) Fabrique Nationale FAL, LAR, FNC, 308 Match, and
- 6 Sporter.
- 7 (viii) MAS 223.
- 8 (ix) HK-91, HK-93, HK-94, and HK-PSG-1.
- 9 (x) The following MAC types:
- 10 (I) RPB Industries Inc. sM10 and sM11.
- 11 (II) SWD Incorporated M11.
- 12 (xi) SKS with detachable magazine.
- 13 (xii) SIG AMT, PE-57, SG 550, and SG 551.
- 14 (xiii) Springfield Armory BM59 and SAR-48.
- 15 (xiv) Sterling MK-6.
- 16 (xv) Steyer AUG.
- 17 (xvi) Valmet M62S, M71S, and M78S.
- 18 (xvii) Armalite AR-180.
- 19 (xviii) Bushmaster Assault Rifle.
- 20 (xix) Calico M-900.
- 21 (xx) J&R ENG M-68.
- 22 (xxi) Weaver Arms Nighthawk.
- 23 (B) All of the following specified pistols:
- 24 (i) UZI.
- 25 (ii) Encom MP-9 and MP-45.
- 26 (iii) The following MAC types:
- 27 (I) RPB Industries Inc. sM10 and sM11.
- 28 (II) SWD Incorporated M-11.
- 29 (III) Advance Armament Inc. M-11.
- 30 (IV) Military Armament Corp. Ingram M-11.
- 31 (V) Intratec TEC-9.
- 32 (VI) Sites Spectre.
- 33 (VII) Sterling MK-7.
- 34 (VIII) Calico M-950.
- 35 (IX) Bushmaster Pistol.
- 36 (C) All of the following specified shotguns:
- 37 (i) Franchi SPAS 12 and LAW 12.
- 38 (ii) Striker 12.
- 39 (iii) The Streetsweeper type S/S Inc. SS/12.

(D) Any firearm declared to be an assault weapon by the court pursuant to former Section 12276.5 of the Penal Code, as it read in Section 3 of Chapter 19 of the Statutes of 1989, Section 1 of Chapter 874 of the Statutes of 1990, or Section 3 of Chapter 954 of the Statutes of 1991, which is specified as an assault weapon in a list promulgated pursuant to former Section 12276.5 of the Penal Code, as it read in Section 3 of Chapter 954 of the Statutes of 1991.

(E) Any firearm included in the list promulgated by the Attorney General pursuant to former Section 12276.5 of the Penal Code, as it read in Section 3 of Chapter 954 of the Statutes of 1991, and any other models that are only variations of those weapons with minor differences, regardless of the manufacturer. The Legislature has defined assault weapons as the types, series, and models listed in this paragraph because it was the most effective way to identify and restrict a specific class of semiautomatic weapons.

(F) As used in this paragraph, “series” includes all other models that are only variations, with minor differences, of those models listed in subparagraph (A), regardless of the manufacturer.

(2) (A) Notwithstanding paragraph (1), “assault weapon” also means any of the following:

(i) A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:

(I) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(II) A thumbhole stock.

(III) A folding or telescoping stock.

(IV) A grenade launcher or flare launcher.

(V) A flash suppressor.

(VI) A forward pistol grip.

(ii) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.

(iii) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

(iv) A semiautomatic pistol that does not have a fixed magazine but has any one of the following:

(I) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or ~~silencer~~ *suppressor*.

(II) A second handgrip.

1 (III) A shroud that is attached to, or partially or completely
2 encircles, the barrel that allows the bearer to fire the weapon
3 without burning the bearer's hand, except a slide that encloses the
4 barrel.

5 (IV) The capacity to accept a detachable magazine at some
6 location outside of the pistol grip.

7 (v) A semiautomatic pistol with a fixed magazine that has the
8 capacity to accept more than 10 rounds.

9 (vi) A semiautomatic shotgun that has both of the following:

10 (I) A folding or telescoping stock.

11 (II) A pistol grip that protrudes conspicuously beneath the action
12 of the weapon, thumbhole stock, or vertical handgrip.

13 (vii) A semiautomatic shotgun that does not have a fixed
14 magazine.

15 (viii) Any shotgun with a revolving cylinder.

16 (ix) A semiautomatic, centerfire firearm that is not a rifle, pistol,
17 or shotgun, that does not have a fixed magazine, but that has any
18 one of the following:

19 (I) A pistol grip that protrudes conspicuously beneath the action
20 of the weapon.

21 (II) A thumbhole stock.

22 (III) A folding or telescoping stock.

23 (IV) A grenade launcher or flare launcher.

24 (V) A flash suppressor.

25 (VI) A forward pistol grip.

26 (VII) A threaded barrel, capable of accepting a flash suppressor,
27 forward handgrip, or ~~silencer~~ *suppressor*.

28 (VIII) A second handgrip.

29 (IX) A shroud that is attached to, or partially or completely
30 encircles, the barrel that allows the bearer to fire the weapon
31 without burning the bearer's hand, except a slide that encloses the
32 barrel.

33 (X) The capacity to accept a detachable magazine at some
34 location outside of the pistol grip.

35 (x) A semiautomatic, centerfire firearm that is not a rifle, pistol,
36 or shotgun, that has a fixed magazine with the capacity to accept
37 more than 10 rounds.

38 (xi) A semiautomatic, centerfire firearm that is not a rifle, pistol,
39 or shotgun, that has an overall length of less than 30 inches.

(B) For purposes of this paragraph, “fixed magazine” means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(C) The Legislature finds a significant public purpose in exempting from the definition of “assault weapon” pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of “assault weapon” pursuant to this section are exempt, as provided in subparagraph (D).

(D) “Assault weapon” does not include either of the following:

- (i) Any antique firearm.
- (ii) Any of the following pistols, because they are consistent with the significant public purpose expressed in subparagraph (C):

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT

1 (c) “Federally regulated firearm precursor part” means any
2 firearm precursor part deemed to be a firearm pursuant to Chapter
3 44 (commencing with Section 921) of Title 18 of the United States
4 Code and regulations issued pursuant thereto, and that has been
5 imprinted with a serial number by a federal licensee authorized to
6 serialize firearms in compliance with all applicable federal laws
7 and regulations.

8 (d) “Firearm” means a device, designed to be used as a weapon,
9 from which is expelled through a barrel, a projectile by the force
10 of an explosion or other form of combustion.

11 (e) (1) “Firearm precursor part” means any forging, casting,
12 printing, extrusion, machined body, or similar article that has
13 reached a stage in manufacture where it may readily be completed,
14 assembled or converted to be used as the frame or receiver of a
15 functional firearm, or that is marketed or sold to the public to
16 become or be used as the frame or receiver of a functional firearm
17 once completed, assembled, or converted.

18 (2) Firearm parts that can only be used on antique firearms, as
19 defined in subdivision (c) of Section 16170 of the Penal Code, are
20 not firearm precursor parts.

21 (f) “Unserialized firearm” means a firearm that does not have
22 a serial number as required by law or has had its serial number
23 altered or obliterated.

24 *SEC. 2. Section 1203 of the Penal Code is amended to read:*

25 1203. (a) As used in this code, “probation” means the
26 suspension of the imposition or execution of a sentence and the
27 order of conditional and revocable release in the community under
28 the supervision of a probation officer. As used in this code,
29 “conditional sentence” means the suspension of the imposition or
30 execution of a sentence and the order of revocable release in the
31 community subject to conditions established by the court without
32 the supervision of a probation officer. It is the intent of the
33 Legislature that both conditional sentence and probation are
34 authorized whenever probation is authorized in any code as a
35 sentencing option for infractions or misdemeanors.

36 (b) (1) Except as provided in subdivision (j), if a person is
37 convicted of a felony and is eligible for probation, before judgment
38 is pronounced, the court shall immediately refer the matter to a
39 probation officer to investigate and report to the court, at a specified
40 time, upon the circumstances surrounding the crime and the prior

1 history and record of the person, which may be considered either
2 in aggravation or mitigation of the punishment.

3 (2) (A) The probation officer shall immediately investigate and
4 make a written report to the court containing findings and
5 recommendations, including recommendations as to the granting
6 or denying of probation and the conditions of probation, if granted.

7 (B) Pursuant to Section 828 of the Welfare and Institutions
8 Code, the probation officer shall include in the report any
9 information gathered by a law enforcement agency relating to the
10 taking of the defendant into custody as a minor, which shall be
11 considered for purposes of determining whether adjudications of
12 commissions of crimes as a juvenile warrant a finding that there
13 are circumstances in aggravation pursuant to Section 1170 or to
14 deny probation.

15 (C) If the person was convicted of an offense that requires that
16 person to register as a sex offender pursuant to Sections 290 to
17 290.023, inclusive, or if the probation report recommends that
18 registration be ordered at sentencing pursuant to Section 290.006,
19 the probation officer's report shall include the results of the
20 State-Authorized Risk Assessment Tool for Sex Offenders
21 (SARATSO) administered pursuant to Sections 290.04 to 290.06,
22 inclusive, if applicable.

23 (D) The probation officer may also include in the report
24 recommendations for both of the following:

25 (i) The amount the defendant should be required to pay as a
26 restitution fine pursuant to subdivision (b) of Section 1202.4.

27 (ii) Whether the court shall require, as a condition of probation,
28 restitution to the victim or to the Restitution Fund and the amount
29 thereof.

30 (E) The report shall be made available to the court and the
31 prosecuting and defense attorneys at least five days, or upon request
32 of the defendant or prosecuting attorney nine days, prior to the
33 time fixed by the court for the hearing and determination of the
34 report, and shall be filed with the clerk of the court as a record in
35 the case at the time of the hearing. The time within which the report
36 shall be made available and filed may be waived by written
37 stipulation of the prosecuting and defense attorneys that is filed
38 with the court or an oral stipulation in open court that is made and
39 entered upon the minutes of the court.

1 (3) At a time fixed by the court, the court shall hear and
2 determine the application, if one has been made, or, in any case,
3 the suitability of probation in the particular case. At the hearing,
4 the court shall consider any report of the probation officer,
5 including the results of the SARATSO, if applicable, and shall
6 make a statement that it has considered the report, which shall be
7 filed with the clerk of the court as a record in the case. If the court
8 determines that there are circumstances in mitigation of the
9 punishment prescribed by law or that the ends of justice would be
10 served by granting probation to the person, it may place the person
11 on probation. If probation is denied, the clerk of the court shall
12 immediately send a copy of the report to the Department of
13 Corrections and Rehabilitation at the prison or other institution to
14 which the person is delivered.

15 (4) The preparation of the report or the consideration of the
16 report by the court may be waived only by a written stipulation of
17 the prosecuting and defense attorneys that is filed with the court
18 or an oral stipulation in open court that is made and entered upon
19 the minutes of the court, except that a waiver shall not be allowed
20 unless the court consents thereto. However, if the defendant is
21 ultimately sentenced and committed to the state prison, a probation
22 report shall be completed pursuant to Section 1203c.

23 (c) If a defendant is not represented by an attorney, the court
24 shall order the probation officer who makes the probation report
25 to discuss its contents with the defendant.

26 (d) If a person is convicted of a misdemeanor, the court may
27 either refer the matter to the probation officer for an investigation
28 and a report or summarily pronounce a conditional sentence. If
29 the person was convicted of an offense that requires that person
30 to register as a sex offender pursuant to Sections 290 to 290.023,
31 inclusive, or if the probation officer recommends that the court,
32 at sentencing, order the offender to register as a sex offender
33 pursuant to Section 290.006, the court shall refer the matter to the
34 probation officer for the purpose of obtaining a report on the results
35 of the State-Authorized Risk Assessment Tool for Sex Offenders
36 administered pursuant to Sections 290.04 to 290.06, inclusive, if
37 applicable, which the court shall consider. If the case is not referred
38 to the probation officer, in sentencing the person, the court may
39 consider any information concerning the person that could have
40 been included in a probation report. The court shall inform the

1 person of the information to be considered and permit the person
2 to answer or controvert the information. For this purpose, upon
3 the request of the person, the court shall grant a continuance before
4 the judgment is pronounced.

5 (e) Except in unusual cases in which the interests of justice
6 would best be served if the person is granted probation, probation
7 shall not be granted to any of the following persons:

8 (1) Unless the person had a lawful right to carry a deadly
9 weapon, other than a firearm, at the time of the perpetration of the
10 crime or the person's arrest, any person who has been convicted
11 of arson, robbery, carjacking, burglary, burglary with explosives,
12 rape with force or violence, torture, aggravated mayhem, murder,
13 attempt to commit murder, trainwrecking, kidnapping, escape from
14 the state prison, or a conspiracy to commit one or more of those
15 crimes and who was armed with the weapon at either of those
16 times.

17 (2) Any person who used, or attempted to use, a deadly weapon
18 upon a human being in connection with the perpetration of the
19 crime of which that person has been convicted.

20 (3) Any person who willfully inflicted great bodily injury or
21 torture in the perpetration of the crime of which that person has
22 been convicted.

23 (4) Any person who has been previously convicted twice in this
24 state of a felony or in any other place of a public offense which,
25 if committed in this state, would have been punishable as a felony.

26 (5) Unless the person has never been previously convicted once
27 in this state of a felony or in any other place of a public offense
28 which, if committed in this state, would have been punishable as
29 a felony, any person who has been convicted of burglary with
30 explosives, rape with force or violence, torture, aggravated
31 mayhem, murder, attempt to commit murder, trainwrecking,
32 extortion, kidnapping, escape from the state prison, a violation of
33 Section 286, 287, 288, or 288.5, or of former Section 288a, or a
34 conspiracy to commit one or more of those crimes.

35 (6) Any person who has been previously convicted once in this
36 state of a felony or in any other place of a public offense which,
37 if committed in this state, would have been punishable as a felony,
38 if that person committed any of the following acts:

39 (A) Unless the person had a lawful right to carry a deadly
40 weapon at the time of the perpetration of the previous crime or the

1 person's arrest for the previous crime, the person was armed with
2 a weapon at either of those times.

3 (B) The person used, or attempted to use, a deadly weapon upon
4 a human being in connection with the perpetration of the previous
5 crime.

6 (C) The person willfully inflicted great bodily injury or torture
7 in the perpetration of the previous crime.

8 (7) Any public official or peace officer of this state or any city,
9 county, or other political subdivision who, in the discharge of the
10 duties of public office or employment, accepted or gave or offered
11 to accept or give any bribe, embezzled public money, or was guilty
12 of extortion.

13 (8) Any person who knowingly furnishes or gives away
14 phencyclidine.

15 (9) Any person who intentionally inflicted great bodily injury
16 in the commission of arson under subdivision (a) of Section 451
17 or who intentionally set fire to, burned, or caused the burning of,
18 an inhabited structure or inhabited property in violation of
19 subdivision (b) of Section 451.

20 (10) Any person who, in the commission of a felony, inflicts
21 great bodily injury or causes the death of a human being by the
22 discharge of a firearm from or at an occupied motor vehicle
23 proceeding on a public street or highway.

24 (11) Any person who possesses a short-barreled rifle or a
25 short-barreled shotgun under Section 33215, a machinegun under
26 Section 32625, or a ~~silencer~~ *suppressor* under Section 33410.

27 (12) Any person who is convicted of violating Section 8101 of
28 the Welfare and Institutions Code.

29 (13) Any person who is described in subdivision (b) or (c) of
30 Section 27590.

31 (f) When probation is granted in a case which comes within
32 subdivision (e), the court shall specify on the record and shall enter
33 on the minutes the circumstances indicating that the interests of
34 justice would best be served by that disposition.

35 (g) If a person is not eligible for probation, the judge shall refer
36 the matter to the probation officer for an investigation of the facts
37 relevant to determination of the amount of a restitution fine
38 pursuant to subdivision (b) of Section 1202.4 in all cases in which
39 the determination is applicable. The judge, in their discretion, may
40 direct the probation officer to investigate all facts relevant to the

1 sentencing of the person. Upon that referral, the probation officer
2 shall immediately investigate the circumstances surrounding the
3 crime and the prior record and history of the person and make a
4 written report to the court containing findings. The findings shall
5 include a recommendation of the amount of the restitution fine as
6 provided in subdivision (b) of Section 1202.4.

7 (h) If a defendant is convicted of a felony and a probation report
8 is prepared pursuant to subdivision (b) or (g), the probation officer
9 may obtain and include in the report a statement of the comments
10 of the victim concerning the offense. The court may direct the
11 probation officer not to obtain a statement if the victim has in fact
12 testified at any of the court proceedings concerning the offense.

13 (i) A probationer shall not be released to enter another state
14 unless the case has been referred to the Administrator of the
15 Interstate Probation and Parole Compacts, pursuant to the Uniform
16 Act for Out-of-State Probationer or Parolee Supervision (Article
17 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part
18 4).

19 (j) In any court in which a county financial evaluation officer
20 is available, in addition to referring the matter to the probation
21 officer, the court may order the defendant to appear before the
22 county financial evaluation officer for a financial evaluation of
23 the defendant's ability to pay restitution, in which case the county
24 financial evaluation officer shall report the findings regarding
25 restitution and other court-related costs to the probation officer on
26 the question of the defendant's ability to pay those costs.

27 Any order made pursuant to this subdivision may be enforced
28 as a violation of the terms and conditions of probation upon willful
29 failure to pay and at the discretion of the court, may be enforced
30 in the same manner as a judgment in a civil action, if any balance
31 remains unpaid at the end of the defendant's probationary period.

32 (k) Probation shall not be granted to, nor shall the execution of,
33 or imposition of sentence be suspended for, any person who is
34 convicted of a violent felony, as defined in subdivision (c) of
35 Section 667.5, or a serious felony, as defined in subdivision (c) of
36 Section 1192.7, and who was on probation for a felony offense at
37 the time of the commission of the new felony offense.

38 (l) For any person granted probation prior to January 1, 2028,
39 at the time the court imposes probation, the court may take a waiver

1 from the defendant permitting flash incarceration by the probation
2 officer, pursuant to Section 1203.35.

3 (m) A person who is granted probation is subject to search or
4 seizure as part of their terms and conditions only by a probation
5 officer or other peace officer.

6 *SEC. 3. Section 17210 of the Penal Code is amended and*
7 *renumbered to read:*

8 ~~17210.~~

9 *17233.* As used in Chapter 9 (commencing with Section 33410)
10 of Division 10 of Title 4, ~~“silencer”~~ “*suppressor*” means any
11 device or attachment of any kind designed, used, or intended for
12 use in silencing, diminishing, or muffling the report of a firearm.
13 The term ~~“silencer”~~ “*suppressor*” also includes any combination
14 of parts, designed or redesigned, and intended for use in assembling
15 a ~~silencer~~ *suppressor* or fabricating a ~~silencer~~ *suppressor* and any
16 part intended only for use in assembly or fabrication of a ~~silencer~~.
17 *suppressor.*

18 *SEC. 4. Section 18005 of the Penal Code is amended to read:*

19 18005. (a) An officer to whom a weapon is surrendered under
20 Section 18000, except upon the certificate of a judge of a court of
21 record, or of the district attorney of the county, that the retention
22 thereof is necessary or proper to the ends of justice, shall destroy
23 that weapon and, if applicable, submit proof of its destruction to
24 the court.

25 (b) If any weapon has been stolen and is thereafter recovered
26 from the thief or the thief’s transferee, or is used in a manner as
27 to constitute a nuisance under Section 19190, 21390, 21590, 25700,
28 26110, 26395, or 29300, without the prior knowledge of its lawful
29 owner that it would be so used, it shall not be destroyed pursuant
30 to subdivision (a) but shall be restored to the lawful owner, as soon
31 as its use as evidence has been served, upon the lawful owner’s
32 identification of the weapon and proof of ownership, and after the
33 law enforcement agency has complied with Chapter 2 (commencing
34 with Section 33850) of Division 11 of Title 4.

35 (c) No stolen weapon shall be destroyed pursuant to subdivision
36 (a) unless reasonable notice is given to its lawful owner, if the
37 lawful owner’s identity and address can be reasonably ascertained.

38 (d) If the weapon was evidence in a criminal case, the weapon
39 shall be retained as required by Chapter 13 (commencing with
40 Section 1417) of Title 10 of Part 2.

(e) (1) Every law enforcement agency shall develop and maintain a written policy on the destruction of firearms and other weapons including, without limitation, policies for identifying firearms and other weapons that are required to be destroyed, keeping records of those firearms and other weapons, including entry into the Automated Firearms System, as applicable, and the destruction and disposal of those firearms and other weapons. A law enforcement agency that either contracts with, or operates under, a memorandum of understanding (MOU) with another agency for the storage or destruction of weapons or other firearms shall have a policy identifying the other agency and outlining the responsibilities of both agencies under the contract or MOU.

(2) Every law enforcement agency shall post the policy required by this subdivision on its internet website.

(f) As used in this section, the following terms are defined as follows:

(1) “Destroy” means to destroy a firearm or other weapon in its entirety by smelting, shredding, crushing, or cutting and shall include all parts including, without limitation, the frame or receiver, barrel, bolt, and grip of a firearm, as applicable, and any attachments including, but not limited to, a sight, scope, ~~silencer~~, or suppressor, as applicable.

(2) “Law enforcement agency” means any police department, sheriffs’ department, or other department or agency of the state, or any political subdivision thereof, that employs any peace officer as described in Section 830.

(g) (1) If a law enforcement agency contracts with a third party for the destruction of firearms or other weapons pursuant to this section or any other related law, the agency shall ensure that any such contract explicitly prohibits the sale of any firearm or weapon, or any part or attachment thereof.

(2) This subdivision is not intended to prohibit the recycling, or sale for the purpose of recycling, of any scrap metal or other material resulting from the destruction of a firearm or other weapon.

(h) A law enforcement agency that had an existing contract with another person or entity for the destruction of firearms or other weapons prior to November 1, 2024, is not required to destroy a weapon pursuant to the requirements of subdivision (e) or (f) if

1 any of those requirements would require the law enforcement
2 agency to breach its contract with the other person or entity.

3 *SEC. 5. Section 30515 of the Penal Code is amended to read:*

4 30515. (a) Notwithstanding Section 30510, “assault weapon”
5 also means any of the following:

6 (1) A semiautomatic, centerfire rifle that does not have a fixed
7 magazine but has any one of the following:

8 (A) A pistol grip that protrudes conspicuously beneath the action
9 of the weapon.

10 (B) A thumbhole stock.

11 (C) A folding or telescoping stock.

12 (D) A grenade launcher or flare launcher.

13 (E) A flash suppressor.

14 (F) A forward pistol grip.

15 (2) A semiautomatic, centerfire rifle that has a fixed magazine
16 with the capacity to accept more than 10 rounds.

17 (3) A semiautomatic, centerfire rifle that has an overall length
18 of less than 30 inches.

19 (4) A semiautomatic pistol that does not have a fixed magazine
20 but has any one of the following:

21 (A) A threaded barrel, capable of accepting a flash suppressor,
22 forward handgrip, or ~~silencer~~ *suppressor*.

23 (B) A second handgrip.

24 (C) A shroud that is attached to, or partially or completely
25 encircles, the barrel that allows the bearer to fire the weapon
26 without burning the bearer’s hand, except a slide that encloses the
27 barrel.

28 (D) The capacity to accept a detachable magazine at some
29 location outside of the pistol grip.

30 (5) A semiautomatic pistol with a fixed magazine that has the
31 capacity to accept more than 10 rounds.

32 (6) A semiautomatic shotgun that has both of the following:

33 (A) A folding or telescoping stock.

34 (B) A pistol grip that protrudes conspicuously beneath the action
35 of the weapon, thumbhole stock, or vertical handgrip.

36 (7) A semiautomatic shotgun that does not have a fixed
37 magazine.

38 (8) Any shotgun with a revolving cylinder.

1 (9) A semiautomatic centerfire firearm that is not a rifle, pistol,
2 or shotgun, that does not have a fixed magazine, but that has any
3 one of the following:

4 (A) A pistol grip that protrudes conspicuously beneath the action
5 of the weapon.

6 (B) A thumbhole stock.

7 (C) A folding or telescoping stock.

8 (D) A grenade launcher or flare launcher.

9 (E) A flash suppressor.

10 (F) A forward pistol grip.

11 (G) A threaded barrel, capable of accepting a flash suppressor,
12 forward handgrip, or ~~silencer~~ *suppressor*.

13 (H) A second handgrip.

14 (I) A shroud that is attached to, or partially or completely
15 encircles, the barrel that allows the bearer to fire the weapon
16 without burning the bearer's hand, except a slide that encloses the
17 barrel.

18 (J) The capacity to accept a detachable magazine at some
19 location outside of the pistol grip.

20 (10) A semiautomatic centerfire firearm that is not a rifle, pistol,
21 or shotgun, that has a fixed magazine with the capacity to accept
22 more than 10 rounds.

23 (11) A semiautomatic centerfire firearm that is not a rifle, pistol,
24 or shotgun, that has an overall length of less than 30 inches.

25 (b) For purposes of this section, "fixed magazine" means an
26 ammunition feeding device contained in, or permanently attached
27 to, a firearm in such a manner that the device cannot be removed
28 without disassembly of the firearm action.

29 (c) The Legislature finds a significant public purpose in
30 exempting from the definition of "assault weapon" pistols that are
31 designed expressly for use in Olympic target shooting events.
32 Therefore, those pistols that are sanctioned by the International
33 Olympic Committee and by USA Shooting, the national governing
34 body for international shooting competition in the United States,
35 and that were used for Olympic target shooting purposes as of
36 January 1, 2001, and that would otherwise fall within the definition
37 of "assault weapon" pursuant to this section are exempt, as
38 provided in subdivision (d).

39 (d) "Assault weapon" does not include either of the following:

40 (1) Any antique firearm.

(2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision (c):

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT

(3) The Department of Justice shall create a program that is consistent with the purposes stated in subdivision (c) to exempt new models of competitive pistols that would otherwise fall within the definition of “assault weapon” pursuant to this section from being classified as an assault weapon. The exempt competitive pistols may be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or may be based on the recommendation or rules of any other organization that the department deems relevant.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 6. Section 33410 of the Penal Code is amended to read:

33410. Any person, firm, or corporation who within this state possesses a ~~silencer~~ *suppressor* is guilty of a felony and upon

1 conviction thereof shall be punished by imprisonment pursuant to
2 subdivision (h) of Section 1170 or by a fine not to exceed ten
3 thousand dollars (\$10,000), or by both that fine and imprisonment.

4 *SEC. 7. Section 33415 of the Penal Code is amended to read:*

5 33415. Section 33410 shall not apply to, or affect, any of the
6 following:

7 (a) The sale to, purchase by, or possession of—~~silencers~~
8 *suppressors* by agencies listed in Section 830.1, or the military or
9 naval forces of this state or of the United States, for use in the
10 discharge of their official duties.

11 (b) The possession of ~~silencers~~ *suppressors* by regular, salaried,
12 full-time peace officers who are employed by an agency listed in
13 Section 830.1, or by the military or naval forces of this state or of
14 the United States, when on duty and when the use of ~~silencers~~
15 *suppressors* is authorized by the agency and is within the course
16 and scope of their duties.

17 (c) The manufacture, possession, transportation, or sale or other
18 transfer of ~~silencers~~ *suppressors* to an entity described in
19 subdivision (a) by dealers or manufacturers registered under
20 Chapter 53 (commencing with Section 5801) of Title 26 of the
21 United States Code and the regulations issued pursuant thereto.

22 ~~SECTION 1. Section 679.01 of the Penal Code is amended to~~
23 ~~read:~~

24 ~~679.01. As used in this title, the following definitions shall~~
25 ~~apply:~~

26 (a) ~~“Crime” means an act committed in this state which, if~~
27 ~~committed by a competent adult, would constitute a misdemeanor~~
28 ~~or felony.~~

29 (b) ~~“Victim” means a person against whom a crime has been~~
30 ~~committed.~~

31 (c) ~~“Witness” means a person who has been or is expected to~~
32 ~~testify for the prosecution, or who, by reason of having relevant~~
33 ~~information, is subject to call or likely to be called as a witness~~
34 ~~for the prosecution, whether or not an action or proceeding has yet~~
35 ~~been commenced.~~