

ASSEMBLY BILL 1663
STRENGTHENED ASSAULT WEAPONS BAN
ACT OF 2016
ASSEMBLYMEMBER DAVID CHIU

BILL SUMMARY

Assembly Bill 1663 strengthens California's assault weapons ban by prohibiting the future sale, purchase, manufacture, importation, or transfer in California of semiautomatic rifles that can accept detachable magazines. The bill also creates a registration process for current gun owners who would be impacted by this change in law.

THE PROBLEM

As California continues to mourn the 14 individuals gunned down in San Bernardino in December 2015, the need for sensible laws to reduce gun violence, and specifically to reduce the lethality of mass shootings, has never been clearer. Though there is no universally accepted definition of a mass shooting, by some measures the United States experiences a mass shooting almost every day.

California is widely recognized for its past efforts to ban assault weapons, restrict large capacity magazines, and require waiting periods and background checks. However, much stronger laws are essential to reducing, and eventually to ending, the gun violence epidemic that kills an average of 33,000 people in the United States each year. One central policy issue that must be addressed is a gaping loophole in California's first-in-the-nation assault weapons ban. In 1989 the California Legislature passed the Roberti-Roos Assault Weapons Control Act (AWCA) in response to an increase in shootings involving semiautomatic weapons. The AWCA followed the Cleveland Elementary School shooting in Stockton, California, where five children were killed and one teacher and 29 children were wounded. The need for the AWCA was clear: semiautomatic weapons can

easily kill groups of people in minutes with very little to no training at all – anyone can pick one up and start gunning down a crowd with ease. The AWCA was the model for similar federal legislation enacted in 1994. Under the AWCA, manufacturing, possessing, selling, transferring or importing any semiautomatic weapons specified in the statute without a permit is a felony offense.

Despite the express intent of the AWCA, gun manufacturers have repeatedly modified the firearms they make to evade the law and continue the sale of so-called "California compliant" weapons. In 1999, the Legislature broadened the original statute to provide flexibility in the AWCA to easily respond to technological developments in the manufacturing of semiautomatic weapons. However, in recent years, the gun industry has yet again developed another workaround of the AWCA with the creation of the "bullet button," which allows for magazines to be detached and replaced just as easily as with illegal assault weapons. Because a device or tool is needed to detach the magazine, such firearms are legal under the current language of the AWCA. The ability to rapidly reload these weapons dramatically increases their lethality during a mass shooting. One of the two semiautomatic rifles used in San Bernardino had a "bullet button."

THE SOLUTION

AB 1663 will increase public safety by defining semiautomatic rifles that accept a detachable magazine as an assault weapon. Requiring truly fixed magazines will reduce the potential of these firearms to seriously kill and maim people in a short amount of time. The loophole that allows guns

meant for war zones to proliferate in our cities, our neighborhoods, and our schools will be closed. The “bullet button” and any other gun industry manufacturing tricks that undermine the assault weapons ban will be rendered irrelevant.

The AWCA contained a grandfather clause that allowed ownership of assault weapons by owners who lawfully purchased them before the statute’s enactment as long as the weapons were registered with the Department of Justice (DOJ). The grandfather clause included significant restrictions on the use of firearms that are registered pursuant to its provisions. AB 1663 takes a similar approach and allows owners of existing weapons with bullet buttons and similar features to register (within 18 months) the weapons with the DOJ.

The policy changes in AB 1663 are consistent with the expressed intent of the original AWCA: “The Legislature hereby finds and declares that the proliferation and use of assault weapons poses a threat to the health, safety, and security of all citizens of this state. The Legislature has restricted the assault weapons specified in [the statute] based upon finding that each firearm has such a high rate of fire and capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings. It is the intent of the Legislature in enacting this chapter to place restrictions on the use of assault weapons and to establish a registration and permit procedure for their lawful sale and possession.”

SUPPORT

- Office of Attorney General Kamala H. Harris (Sponsor)
- United States Senator Dianne Feinstein (D-CA)
- Lieutenant Governor of California Gavin Newsom
- All Saints Pasadena Gun Violence Prevention Task Force
- American Academy of Pediatrics, California
- California Academy of Family Physicians
- California Chapter of the American College of Emergency Physicians (California ACEP)
- California Chapters of the Brady Campaign to Prevent Gun Violence
- City of Santa Monica
- Law Center to Prevent Gun Violence
- San Francisco Bay Area Physicians for Social Responsibility (SF Bay Area PSR)
- Youth Alive

CONTACT

Samantha Seng | Legislative Aide
samantha.seng@asm.ca.gov | 916-319-2017
Office of Assemblymember David Chiu