

ASSEMBLY BILL 2847 (CHIU)

STRENGTHENING THE UNSAFE HANDGUN ACT

SUMMARY

This bill strengthens California's Unsafe Handgun Act (UHA) to ensure that new firearms are introduced that incorporate microstamping technology and comply with the UHA's other safety requirements.

BACKGROUND

Federal law imposes no design safety standards on domestically manufactured firearms. In fact, the federal Consumer Product Safety Act exempts firearms from meeting even minimal standards. As a result, federal law had effectively created a protected market for "junk guns" that, due to poor construction or design, often jam, misfire, or malfunction.

In 1999, California acted to fill gaps in federal product safety law by enacting the Unsafe Handgun Act (UHA), which requires that all *newly developed* handgun models meet basic reliability and safety standards in order to be certified for sale or manufacture by the state Department of Justice. In order to be certified for sale, a newly developed pistol model must pass:

1. A firing test to confirm the gun can be fired multiple times without malfunctioning; and
2. A drop safety test to confirm the firearm can be dropped without discharging.

Subsequently enacted legislation requires that most semiautomatic pistol models developed after January 2007 also have:

3. A chamber load indicator to signify when the firearm is loaded; and
4. A magazine disconnect mechanism to prevent the gun from firing when a detachable magazine is removed.

In 2007, Governor Schwarzenegger signed legislation to strengthen the UHA. AB 1471 (Feuer) required all new semiautomatic pistol models to incorporate microstamping technology, which imprints a microscopic array of characters unique to that firearm on ammunition cartridge casings when the weapon is fired.

This technology could enable law enforcement to match cartridges found at crime scenes directly to the gun that fired them, similar to the way law enforcement can use an automobile's license plate to identify the vehicle's make, model, VIN, and registered owner. In cities across the nation, large majorities of fatal and non-fatal shootings go unsolved by law enforcement, encouraging cycles of retaliatory violence instead.

THE PROBLEM

Since microstamping requirements only apply to new handgun models, the gun industry has effectively boycotted this law (as well as other new requirements of the UHA) by refusing to develop new handgun models for sale in California. So far, no firearm manufacturer has submitted a handgun for certification to DOJ that incorporates microstamping technology.

Importantly, while the gun industry and activists have asserted that they do not have the capacity to microstamp cartridges from two places on the interior of a firearm (as required under AB 1471), they have conceded that they are able to do so from one place.

THE SOLUTION

AB 2847 eases compliance by requiring that newly developed semiautomatic pistol models etch microstamping characters on one place on the interior of the firearm, as opposed to two.

Additionally, AB 2847 furthers implementation of the new UHA requirements by directing the Attorney General to remove three previously grandfathered handgun models from the roster for each new compliant handgun model that is introduced.

Microstamping technology will significantly improve law enforcement's ability to identify shooters and gun traffickers, apprehend them before they do more harm, and hold them accountable. Incorporating other UHA design safety standards in more handguns sold in California would also help prevent accidental shootings.

SUPPORT

California Chapters of Brady United Against Gun Violence (Sponsor)

California Attorney General Xavier Becerra
District Attorney Nancy O'Malley, Alameda County
District Attorney Jeff Rosen, Santa Clara County
Giffords Law Center to Prevent Gun Violence
Sheriff Paul Miyamoto, San Francisco

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