

# Measure U423

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**INSTRUCTIONS:**

Please carefully read the following description of a ballot measure that was written by a disinterested expert. Feel free to take notes or outline passages as you read.

This should take you approximately 10 minutes.

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**BALLOT MEASURE U423**

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**BACKGROUND**

Under state law, every adult in California who is not a convicted felon, narcotics addict, or mental patient, as specified, has the right to purchase pistols, revolvers, and other firearms capable of being concealed upon the person (handguns) and to keep them in his or her home without a license or permit. Persons who sell, deliver, or transfer handguns generally must wait 15 days before delivering such weapons to purchasers. Licensed handgun dealers must submit information on each potential purchaser to the California Department of Justice and to the local police or sheriffs department for the purpose of identifying individuals who are prohibited by law from owning or possessing such weapons. Whenever the Department of Justice determines that a potential handgun purchaser may not lawfully own a handgun, it notifies the dealer withi11 the 15-day waiting period that the handgun sale may not be completed. Existing law also requires holders of various firearms, such as those used in the commission of a crime, to surrender these weapons to law enforcement officials.

These weapons may then be returned to their lawful owner if stolen, sold at a public auction, retained for military or law enforcement purposes, or destroyed. Finally, current law provides criminal penalties for various illegal activities involving the use of handguns.

**PROPOSAL**

This measure generally would require owners of handguns to register them with the Department of Justice on or before November 2, 1983. It would restrict the number of handguns in California by (1) allowing the Department of Justice to issue registration cards only for handguns registered by November 2, 1983 (with specified exceptions), (2) specifying that an individual may register only one handgun purchased between January 1, 1982, and April 30, 1983, (3) restricting the importation of handguns into the state, and (4) prohibiting the purchase of handguns by mail.

Each applicant for a handgun registration card would be required to pay a fee to cover various administrative costs incurred by the state in implementing this measure. In addition, the measure would authorize local law enforcement agencies to charge fees in order to offset administrative costs incurred as a result of activities such as processing handgun transfer applications and certificates of replacement.

The Department of Motor Vehicles would be required to revise its driver's license and identification card applications to include a statement indicating that the importation of unregistered handguns into California is prohibited.

The measure would also establish procedures that could be used to transfer handgun ownership. Such transfers could be arranged by private individuals or licensed dealers. In addition, the measure would establish procedures that could be used to replace registered handguns or register handguns inherited upon the death of the previous owner. The existing system, under which licensed handgun dealers register handgun sales with the Department of Justice, would be discontinued. In addition, law enforcement agencies would be prohibited from selling surrendered handguns at public auctions, and instead would be required to destroy any such handguns that could not be returned to their registered owners or retained and used for military or law enforcement purposes.

This measure also would establish new criminal penalties and new grounds for civil liability involving the transfer, possession, and use of handguns. Generally, if the measure is approved it would be a misdemeanor to:

- Possess an unregistered handgun after November 2, 1983;
- Buy, sell, or transfer unregistered handguns after April 30, 1983;
- Import handguns;
- Order handguns by mail; or
- Falsify a handgun registration application.

This measure also would make it a felony to possess more than five unregistered handguns with the intent to sell them, or to sell five or more handguns in violation of various registration provisions. The measure modifies or eliminates several existing criminal provisions regarding the acquisition and use of handguns. In addition, it generally would make a person who unlawfully transfers a handgun liable for damages of up to \$25,000 for the death or injury of a person resulting from the use of that firearm.

Finally, the measure states that it would prohibit the Legislature from (1) passing any additional laws which would ban ownership or sale of shotguns or long rifles or require registration of such weapons and (2) passing laws prohibiting ownership of registered handguns, except with respect to persons with criminal convictions or histories of mental instability.



**STOP!**

Please go to the online survey, enter the 4-character code for this ballot measure (printed at the top and bottom of this page) and answer the survey questions.