

4-2-1996

Firearms. Right To Possess And Carry. Penalties For Criminal Use.

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SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired Only
1-800-833-8683
e-mail: comments@ss.ca.gov

BILL JONES

Secretary of State
State of California

September 16, 1996

#727

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPOSER (96281)

FROM:


WALDEEP SINGH
Elections Analyst

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: FIREARMS. RIGHT TO POSSESS AND CARRY.
PENALTIES FOR CRIMINAL USE. INITIATIVE
CONSTITUTIONAL AMENDMENT AND STATUTE.

SUMMARY DATE: April 2, 1996

PROPOSERS: Ross Glascock
Ronald Lee Morrison
James E. Hoopes
James W. Hoopes
Richard E. White
Bruce A. Welch
William R. Curran, Jr.
Frances McCurdy
Dacques Downey
Dewey Chris Schneider
Joe E. Clark
Gaylen M. Clark
Jim Iverson
John J. Wright
Susan B. Warfield

"Ensuring the integrity of California's election process"

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September 16, 1996
Page 2

Melvin Denton
Robert Lee Trinidad
William G. DuVall
Sterling E. Fairbanks
Mark W. Tighe
Donald J. Duren
Antonette Duren
Donald J. Blake, Jr., Esq.
Marion Georgette Blake
Jimmie N. Qualls
John E. Stowell
Mildred May White
Danny Bounds
Walter T. Coffee, Jr.
Cecile Ann Nisber
Daren P. Staten
Shane A. Staten
Arnold B. Anderson
Charles R. Martin
Leonard P. Martin
Charles L. Goodwin
Thomas N. Rabelos
Charles Weeks
Dennis S. Lusk
Harvey W. Hoover, Jr.
William J. Wehle
Robert S. Post

1

2

3

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BILL JONES

Secretary of State
 State of California

#727

April 2, 1996

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APR 08 1996

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (96138)

LIBRARY
HASTINGS COLLEGE OF THE LAW

Pursuant to Section 336 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

FIREARMS. RIGHT TO POSSESS AND CARRY.
 PENALTIES FOR CRIMINAL USE.
 INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

Circulating and Filing Schedule

1. Minimum number of signatures required 693,230
 Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date Tuesday, 04/02/96
 Elec. C., Sec. 336.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures Tuesday, 04/02/96
 Elec. C., Sec. 336.
 - b. Last day Proponent can circulate and file with the county. All sections are to be filed at the same time within each county. Thursday, 08/29/96
 Elec. C., Secs. 336, 9030(a).
 - c. Last day for county to determine total number of signatures affixed to petition and to transmit total to the Secretary of State Thursday, 09/12/96

(If the Proponents file the petition with the county on a date prior to 08/29/96, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 9030(b).

FIREARMS. RIGHT TO POSSESS AND CARRY.
PENALTIES FOR CRIMINAL USE.
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

April 2, 1996
Page 2

d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties Saturday, 09/21/96*
Elec. C., Sec. 9030(c).

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Monday, 11/04/96
Elec. C., Sec. 9030(d).

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 09/21/96, the last day is no later than the thirtieth day after the county's receipt of notification.)
Elec. C., Sec. 9030(d), (e).

f. If the signature count is more than 762, 553 or less than 658,569 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 658,569 and 762,553 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Thursday, 11/14/96**
Elec. C., Secs. 9030(f), (g); 9031(a).

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Tuesday, 12/31/96
Elec. C., Sec. 9031(b), (c).

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 11/14/96, the last day is no later than the thirtieth working day after county's receipt of notification.)
Elec. C., Sec. 9031(b), (c).

h. Secretary of State certified whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Saturday, 01/04/97*
Elec. C., Secs. 9031(d), 9033.

* Date varies based on receipt of county certification.

FIREARMS. RIGHT TO POSSESS AND CARRY.
PENALTIES FOR CRIMINAL USE.
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

April 2, 1996

Page 3

4. The Proponents of the above-named measure are:

Ross Glascock
4140 Hilldale Avenue
Oroville, CA 95966

John J. Wright
42 Monarch Court
Oroville, CA 95966

Mildred May White
3146 Grand View Avenue
Oroville, CA 95966

Ronald Lee Morrison
335 Canyon Drive
Oroville, CA 95966

Susan B. Warfield
6248 Oro Bangor Hwy.
Oroville, CA 95966

Danny Bounds
3417 Pleasant Valley Mobile Park
Space 122
Oroville, CA 95965

James E. Hoopes
4873 Foothill Blvd.
Oroville, CA 95966

Melvin Denton
147 W. 21st Street
Chico, CA 95928

Walter T. Coffee, Jr.
1266 Norma Street
Oroville, CA 95965

James W. Hoopes
4873 Foothill Blvd.
Oroville, CA 95966

Robert Lee Trinidad
1520 Boynton Avenue
Oroville, CA 95966

Cecile Ann Nisber
323 Ridgecrest Parkway
Oroville, CA 95966

Richard E. White
3146 Grandview
Oroville, CA 95966

William G. DuVall
715 Colusa Avenue
Oroville, CA 95965

Daren P. Staten
2165 Fogg Avenue
Oroville, CA 95965

Bruce A. Welch
26 Simpson Ranch Road
P.O. Box 852
Berry Creek, CA 95916

Sterling E. Fairbanks
1260 Nunneley Road
Paradise, CA 95969

Shane A. Staten
2165 Fogg Avenue
Oroville, CA 95965

William R. Curran, Jr.
1626 Bridge Street
Oroville, CA 95966

Mark W. Tighe
745 Grand Teton
Chico, CA 95973

Arnold B. Anderson
2590 Oro Garden Ranch Road
Oroville, CA 95966

Frances McCurdy
23 Simpson Ranch Road
Berry Creek, CA 95916

Donald J. Duren
1225 Richins Avenue
Gridley, CA 95948

Charles R. Martin
25 Oak Hill Drive
Oroville, CA 95966

Dacques Downey
1117 Oro Dam Blvd.
Oroville, CA 95965

Antonette Duren
1225 Richins Avenue
Gridley, CA 95948

Leonard P. Martin
794 Thermalito Avenue
Oroville, CA 95965

Dewey Chris Schneider
3136 4th Street
Biggs, CA 95917

Donald J. Blake, Jr., Esq.
2175 Feather River Blvd.
Oroville, CA 95965-5706

Charles L. Goodwin
259 Rocker Feller Road
Oroville, CA 95966

Joe E. Clark
967 Robinson Street
Oroville, CA 95965

Marion Georgette Blake
13 Gleness Drive
Oroville, CA 95966

Thomas N. Rabelos
204 Elm Parkway
Oroville, CA 95966

Gaylen M. Clark
967 Robinson Street
Oroville, CA 95965

Jimmie N. Qualls
5618 Cherry Lane
Paradise, CA 95969

Charles Weeks
1553 Veatch Street
Oroville, CA 95965

Jim Iverson
2650 Ludlum Avenue
Palermo, CA 95968

John E. Stowell
95 Arbol Avenue
P.O. Box 1675
Oroville, CA 95965

Dennis S. Lusk
1547 2nd Avenue #5
Oroville, CA 95965

Harvey W. Hoover, Jr.
14814 Magnolia Drive
Magalia, CA 95954

William J. Wehle
118 Worthy Avenue
Oroville, CA 95965

Robert S. Post
233 Glen Drive
Oroville, CA 95966

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code sections 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen.37 (1980).
- (b) Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 5, 1996 GENERAL ELECTION: This initiative must be certified for the ballot 131 days before the election (June 27, 1996). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections officials by April 19, 1996. If a 100% check of signatures is necessary, it is advised that the petitions be filed by February 28, 1996.

Sincerely,



DEIRDRE AVENT
ELECTIONS ANALYST

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

Facsimile: (916) 323-2137
(916) 324-5490

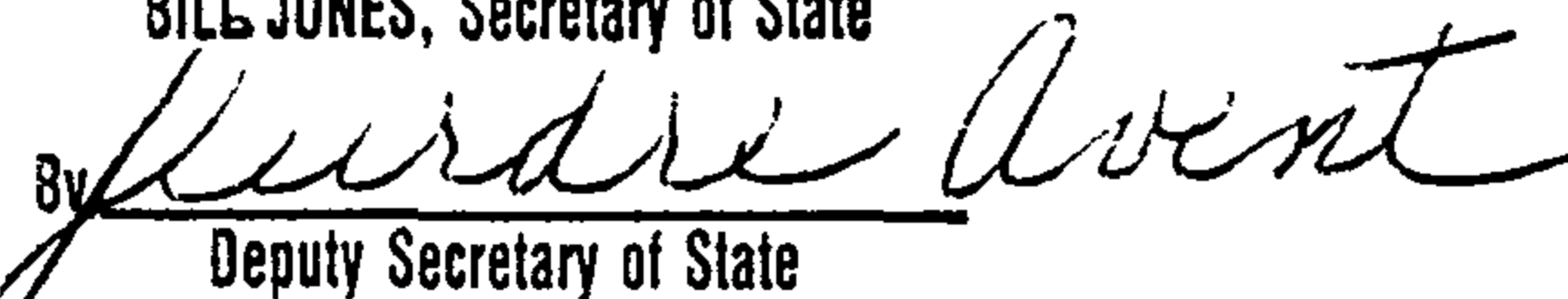
April 2, 1996

FILED
In the office of the Secretary of State
of the State of California

APR 02 1996

Bill Jones
Secretary of State
1500 - 11th Street
Sacramento, CA 95814

BILL JONES, Secretary of State

By 
Deputy Secretary of State

Re: Initiative Title and Summary
Subject: FIREARMS. RIGHT TO POSSESS AND CARRY. PENALTIES FOR CRIMINAL
USE. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.
File No: SA 96 RF 0005

Dear Mr. Jones:

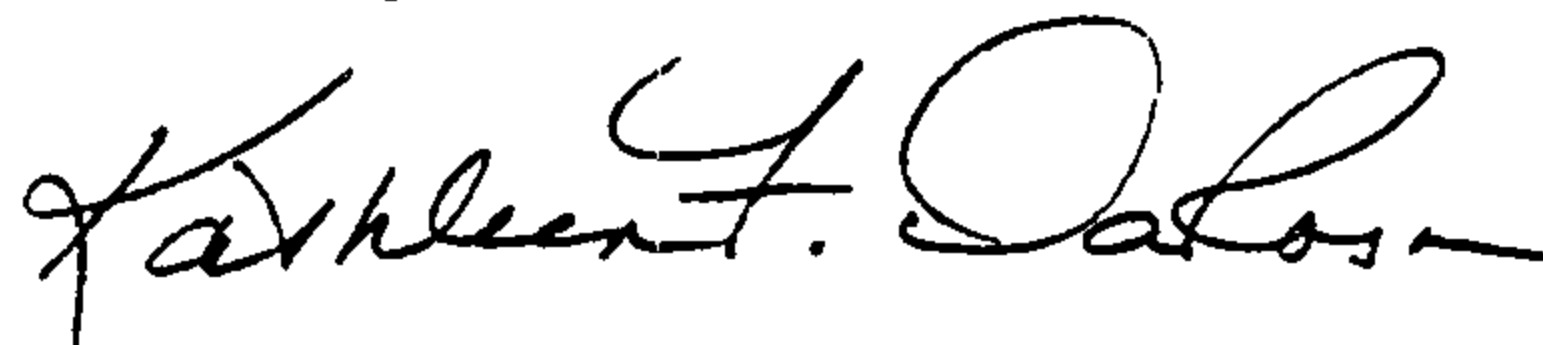
Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the names and addresses of the proponents are as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General



KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: April 2, 1996
File No: SA96RF0005

The Attorney General of California has prepared the following title and summary of the chief purposes and points of the proposed measure:

FIREARMS. RIGHT TO POSSESS AND CARRY. PENALTIES FOR CRIMINAL USE. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Amends constitution to guarantee right to possess, transfer, and lawfully use firearms. Expands permitted carrying of concealed firearms by persons not disqualified. Allows computerized criminal background check at purchase. Prohibits possession by ex-felons and persons adjudged addicts or dangerous to themselves or others. Provides civil immunity for lawful use, transfer of firearms. Amends statutes to provide life sentences for possession of firearm in commission of felony. Allows trial, as adults, of juveniles 14 years or older, who commit felonies while in possession of a firearm. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Would result in state and local government costs of several to tens of millions of dollars annually for processing of weapons permits, offset to an unknown degree by applicant fees. Would also result in state cost of tens of millions of dollars annually for operation of prisons due to longer sentences, with one-time costs of as much as \$300 million for new prison construction.

Donald J. Blake Jr.

Attorney at Law

Certified Specialist, Criminal Law
The State Bar of California Board of Legal Specialization

2175 Feather River Blvd.
Oroville, California 95965-5706

Phone: (916) 534-9680
Fax: (916) 534-6835

February 2, 1996

RECEIVED
FEB 2 1996

Kathy DaRosa
Initiative Coordinator
Office of the Attorney General
1300 I Street
Sacramento, Calif. 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Hand Delivered

Re; California Firearms Protection Act
An Initiative Measure

Dear Ms. DaRosa,

Attached please find a cashier's check in the sum of \$200.00, the original draft of the proposed Initiative measure, captioned the California Firearms Protection Act, and the original declaration and request by the proponents of the measure requesting that your office prepare a title and summary as required by Elections Code section, 3502. As you will see, each proponent has declared, as required by the code that no appropriation was included in exchange for a campaign contribution.

Your attention to the preparation of a title and summary will be appreciated. If there are any questions concerning this matter, kindly direct them to me at the phone number set forth above.

Very truly yours,



DONALD J. BLAKE, JR.

January 30, 1996

RECEIVED
FEB 2 1996

Kathy DaRosa
Initiative Coordinator
Office of the Attorney General
1300 I Street
Sacramento, California 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

RE: Initiative Measure - "CALIFORNIA FIREARMS PROTECTION ACT"
Request For Title and Summary

Dear Ms. DaRosa:

We, the undersigned, proponents of the initiative measure, California Firearms Protection Act, copy of which is attached, do hereby request the preparation of a title and summary as required by Elections Code Section 3502. As further required by Elections Code Section 3502, each of the undersigned proponents further declares that "no appropriation for a particular project contained within the text of the proposed measure, if any, was included in exchange for a campaign contribution or a pledge for a campaign contribution for purposes of qualifying the proposed measure for the ballot".

We, the undersigned, each declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Print Your Name JIMMIE N. QUALLS Residence Address ONLY 5618 CHERRY LN

Signature Jimmie N. Qualls City PARADISE Zip 95969

Print Your Name JOHN E. STOWELL Residence Address ONLY 95 ARBOL AVE.

Signature John E. Stowell City OROVILLE Zip 95965

Print Your Name BRUCE A. WELCH Residence Address ONLY 26 SIMPSON RANCH RD.

Signature Bruce A. Welch City BERRY CREEK Zip 95916

Print Your Name AROLD B ANDERSON Residence Address ONLY 2590 ORG GARDEN RANCH RD

Signature [Signature] City OROVILLE Zip 95966

Print Your Name CHARLES R MARTIN Residence Address ONLY 25 OAK HILL DR, OROVILLE

Signature [Signature] City OROVILLE Zip 95966

Print Your Name [Signature] Residence Address ONLY

Signature [Signature] City BOBBY CREEK Zip 95916

Print Your Name CHARLES L. GOODWIN Residence Address ONLY 259 ROCKY FELLER RD

Signature [Signature] City OROVILLE Zip 95966

Print Your Name THOMAS N TABERLOS Residence Address ONLY 204 ELM PARKWAY

Signature _____ City _____ Zip _____

Print Your Name Ross Glascock Residence Address ONLY 4140 Hillside Ave Oroville 95966

Signature [Signature] City Oroville Zip 95966

Print Your Name Ronald Lee Morrison Residence Address ONLY 335 Canyon Dr

Signature [Signature] City Oroville Zip 95966

Print Your Name JAMES E HOOPES Residence Address ONLY 4873 FOOTHILL BLVD

Signature [Signature] City OROVILLE Zip 95966

Print Your Name JAMES W HOOPES Residence Address ONLY 4873 Foothill Blvd

Signature [Signature] City Oroville Zip 95966

Print Your Name Richard E White Residence Address ONLY 3146 Grandview

Signature [Signature] City Oroville Zip 95966

Print Your Name William R. Curran Jr Residence Address ONLY 1626 Bridge St

Signature William R Curran Jr City Orville ZIP 95966

Print Your Name FRAN MCCURDY Residence Address ONLY 23 Simpson Rd Rd

Signature FRAN MCCURDY City Berry Creek ZIP 95916

Print Your Name Dennis Downey Residence Address ONLY 117 Oro Dumbird

Signature Dennis Downey City Orville CA ZIP 95965

Print Your Name DENNY CHRIS SCHNEIDER Residence Address ONLY 3136 4TH ST.

Signature Denny Chris Schneider City B1995 ZIP 95917

Print Your Name JOE E. CLARK Residence Address ONLY 967 ROBINSON ST.

Signature Joe Clark City ORVILLE ZIP 95965

Print Your Name Gaylen M. Clark Residence Address ONLY 967 ROBINSON ST.

Signature Gaylen M. Clark City ORVILLE ZIP 95965

Print Your Name JIM EVERSON Residence Address ONLY 2650 Ludlum Ave

Signature Jim Everson City PALERMO ZIP 95968

Print Your Name John J Wright Residence Address ONLY 42 Monarch Ct

Signature J J Wright City Orville CA ZIP 95966

Print Your Name Susan B Warfield Residence Address ONLY 6248 Oro Bangor Hwy

Signature Susan B Warfield City Orville CA ZIP 95966

Print Your Name Melvin Denton Residence Address ONLY 147 W 21st St

Signature Melvin Denton City Chico ZIP 95928

Print Your Name ROBERT LEE TRINIDAD Residence Address ONLY 1520 BOYNTON AVE.

Signature Robert L. Trinidad City OROVILLE, CA, zip 95966

Print Your Name WILLIAM G. DAVALL Residence Address ONLY 715 COLUSA AVE OROVILLE CALIF 95965

Signature _____ City _____ Zip _____

Print Your Name STERLING E FAIRBANKS Residence Address ONLY 1260 NUNNELEY RD PAR

Signature Sterling E Fairbanks City PARADISE CA zip 95969

Print Your Name MARK W TIGHE Residence Address ONLY 745 GRAND TERRACE

Signature Mark W Tigh City CHICO CA zip 95973

Print Your Name Mildred May White Residence Address ONLY 3146 Grand View Ave

Signature Mildred May White City Oroville, Ca zip 95966

Print Your Name Donald J Duren Residence Address ONLY 1225 Richins AVE

Signature Donald J Duren City Gridley zip 95948

Print Your Name ANTOINETTE DUREN Residence Address ONLY 1225 Richins ave 95948

Signature Antoinette Duren City Gridley Ca zip 95948

Print Your Name Donald J. Biske Jr Residence Address ONLY 13 Gleness Dr.

Signature Donald J Biske Jr City Oroville Ca zip 95966

Print Your Name Danny Bounds Residence Address ONLY 3417 SP 122 PLEASANT VALLEY MOBILE PK.

Signature _____ City Oroville zip 95966

Print Your Name Walter T. Coffee Jr Residence Address ONLY 1266 NORMA ST.

Signature Walter T Coffee Jr City Oroville. zip 95965

Print Your Name MARION GEORGETTE BLAKE Residence Address ONLY 13 GREENESS DR

Signature Marion Georgette Blake City Oroville CA ZIP 95966

Print Your Name CECILE ~~ANN~~ ANN NISBET Residence Address ONLY 323 RIDGECREST PKWY

Signature Cecile Ann Nisbet City Oroville CA ZIP 95966

Print Your Name DAREN P STATEN Residence Address ONLY 2165 Fogg Ave

Signature Daren P. Staten City Oroville ZIP 95965

Print Your Name SHANE A STATEN Residence Address ONLY 2165 Fogg Ave

Signature Shane A. Staten City Oroville ZIP 95965

Print Your Name Charles Weeks Residence Address ONLY 1553 Vegh St

Signature Charles Weeks City Oroville ZIP 95965

Print Your Name DENNIS S LUSK Residence Address ONLY 1547 2ND AVE #5

Signature Dennis S. Lusk City Oroville ZIP 95965

Print Your Name HARVEY W HOOPER JR Residence Address ONLY 14814 MAGNOLIA DR

Signature Harvey W Hooper Jr City MAGALIA CA ZIP 95954

Print Your Name William J WEHLE Residence Address ONLY 118 WORTHY AVE

Signature William J Wehle City Oroville CA ZIP 95965

Print Your Name LEONARDO P. MARTIN Residence Address ONLY 7941 Therman Ave

Signature Leonardo P. Martin City Oroville CA ZIP 95960

Print Your Name Robert S. Post Residence Address ONLY 233 Glen Dr

Signature Robert S. Post City Oroville, CA ZIP 95966

AMENDMENT TO THE CONSTITUTION OF THE STATE OF CALIFORNIA
AND RELATED STATUTES

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the constitution.

SECTION 1. This initiative measure shall be known and may be cited as the CALIFORNIA FIREARMS PROTECTION ACT.

SECTION 2. (a) We, the people of the State of California, declare that the right to keep, bear and lawfully use firearms for the defense of person, family, home and community and other lawful purposes is a fundamental, necessary and unalienable right; that the Legislature of the State of California and governing bodies of various cities and counties, through the enactment of State and local laws restricting and denying the right of the law-abiding citizen to possess arms for such purposes, is abridging this fundamental right, and; that, in so doing, the state and local governments are endangering the lives and safety of the citizens of this State.

(b) We, the people of the State of California, declare that the law enforcement officers of this state cannot, and should not, be expected to prevent all crime; that each individual has the right to lawfully defend himself, family and property from criminal acts; that the ability to lawfully use firearms is a necessary component of this fundamental right of self defense; and, that this right includes the right of the law-abiding citizen to obtain a permit to carry a concealed firearm.

(c) We, the people of the State of California, do further demand that the firearm policy of this state be fundamentally changed; that those convicted of unlawfully possessing firearms in the commission of serious crime must be severely punished in the first instance; that juvenile offenders must be treated as adults for the unlawful possession of firearms in the commission of serious crime; that existing state and local laws which impose punishment on law-abiding individuals for failing to comply with regulatory schemes relative to the purchase, sale, and possession of firearms and ammunition must be repealed; and, that rules of civil liability must be changed in order to protect citizens from wrongdoer's claims of liability resulting from the citizen's lawful purchase, sale, use or possession of firearms.

(d) With these goals in mind, we the people of the State of California do hereby enact the CALIFORNIA FIREARMS PROTECTION ACT.

SECTION 3. Section 4.5 of Article I of the Constitution of the State of California is added to read:

The right of any legal resident of the State of California to keep, bear and lawfully use firearms shall not be denied or infringed except as herein provided; nor shall any law be made or enforced in this state which would require licensure, registration or special taxation on the ownership, possession, purchase or legal transfer of commonly possessed firearms or ammunition by legal residents of this state, except that computerized criminal background check may be required at the time of purchase of a

firearm to ensure compliance with this act; nor shall any legal resident of this state be held civilly liable for damages by reason of the lawful use of a firearm or the lawful transfer or sale of a firearm or ammunition to another; nor shall any issuing authority be held civilly liable on account of the lawful issuance of a concealed weapons permit to a legal resident of this state.

Provided, however, that the Legislature shall have the power to enact legislation, not inconsistent with the purposes of this act, to prohibit: (1) The use or possession of firearms in the commission of criminal acts; (2) The unlawful carrying of concealed firearms, except that a legal resident of this state shall be issued a permit to carry a concealed weapon by the issuing authority upon a showing that he or she is not disqualified by law from the possession of a firearm, and he or she has completed a basic firearms safety course or can demonstrate comparable training or experience; (3) The possession of a firearm by the following persons: (a) a convicted felon, (b) a person adjudged by a court to be addicted, or in imminent danger of becoming addicted, to a controlled substance or narcotic, and (c) by a person adjudged by a court to be a danger to himself or others by reason of a mental disorder or disability or by reason of developmental disability; (4) The possession of a firearms in public buildings or at public gatherings or events; and (5) The possession of loaded firearms within a vehicle upon public streets and highways.

Provided further, that the Legislature may regulate the type of firearms and ammunition which may be possessed, sold or

transferred in this state except that such no such law may be made or enforced in this state which would ban or prohibit the possession, use, sale or transfer handguns, rifles or shotguns, including their usual ammunition and accessories, which are customarily possessed by the residents of this state for lawful purposes; and further, that the Legislature may enact reasonable restrictions, not inconsistent with the purposes of this act, to regulate the use of firearms for purposes of hunting within this state and to regulate the right of minors to lawfully possess or use firearms; and further that no law shall be enacted or enforced in this state which would permit the confiscation of firearms from legal residents of this state, except those firearms actually adjudged to have been used or possessed in violation of the law.

SECTION 4. Penal Code Section 12021.05 is added to read:

12021.05 (a) Notwithstanding any other provision of law, any person who has been convicted of a felony under the laws of the State of California, or who has been convicted of an offense in any other jurisdiction which, if committed in this State, would be a felony, or who is adjudged to be addicted or in imminent danger of becoming addicted to any controlled substance or narcotic, who owns, or has in his or her possession, or under his or her custody or control, any firearm is guilty of a felony and is punishable by an indeterminate term of life imprisonment with a minimum term of imprisonment of ten years imprisonment.

(b) An indeterminate term of imprisonment imposed pursuant to this section shall be ordered to be served

consecutively to any other term of imprisonment for which a consecutive sentence may be imposed by law.

SECTION 5. Penal Code Section 12022.05 is added to read:

12022.05 (a) Notwithstanding any other provision of law, any person who is personally armed with a firearm in the commission of any felony is guilty of a felony and is punishable as follows: (1) if the felony is a violent felony as defined in subdivision (c) of Penal Code Section 667.5 by an indeterminate term of life imprisonment with a minimum term of twenty years imprisonment; (2) in all other cases by an indeterminate term of life imprisonment with a minimum terms of ten years imprisonment.

(b) Any person who is a principal in the commission of a felony where one or more of the principals is armed with a firearm and such fact is known to the person is guilty of a felony and is punishable by an indeterminate term of life imprisonment with a minimum term of ten years imprisonment.

(c) An indeterminate term of imprisonment imposed pursuant to this section shall be ordered to be served consecutively to any other terms of imprisonment for which a consecutive sentence may be imposed by law.

SECTION 6. Penal Code Section 3000.05 is added to read as follows:

3000.05 (a) Notwithstanding any other provision of law, in the case of any inmate sentenced under Section 1168 or Section 1170 for any offense of first or second degree murder, or for a violation of Penal Code Section 12021.05 or 12022.05, with a

SECTION 9. The statutory provisions contained in this measure may not be amended by the Legislature except by statute passed in each house by roll-call vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

maximum term of life imprisonment, the period of parole, if parole is granted, shall be the remainder of the inmate's life. Notwithstanding any other provision of law, the board shall not discharge any person described in this section from parole.

SECTION 7. Welfare and Institutions Code Section 707.005 is added to read as follows:

707.005 (a) In any case in which a minor is alleged to be a person described in Section 602 by reason of the violation, when he or she was 14 years of age or older, of Penal Code Section 12022.05, the petitioner shall follow the procedures set forth in Section 707 (c) and the minor shall be presumed not to be a fit and proper subject to be dealt with under the juvenile court law unless the juvenile court concludes, based upon clear and convincing evidence produced in accordance with the provisions of Section 707 (c), that the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction, that the minor has an insignificant history of delinquent behavior, that no person suffered serious bodily injury by reason of the conduct of the minor and that the minor will not be a danger to the public while he or she is subject to the jurisdiction of the juvenile court.

SECTION 8. If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the measure which can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

SECTION 9. The statutory provisions contained in this measure may not be amended by the Legislature except by statute passed in each house by roll-call vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.