

4-6-1998

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

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BILL JONES
Secretary of State
State of California

ELECTIONS DIVISION
(916) 657-2166
1500 - 11th STREET
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

April 6, 1998

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (98148)

FROM:

Deirdre Avent
DEIRDRE AVENT
ELECTIONS ANALYST

RECEIVED

APR 1998

SUBJECT: INITIATIVE #817

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

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

The proponents of the above-named measure are:

c/o Bruce A. Welch, Chairman
California Firearm Reform Committee
P.O. Box 1306
Berry Creek, CA 95916
(530) 534-9119

Lawrence E. Gibson
1930 Grant Avenue
Oroville, CA 95965

Claudia M. Peterson
559 East Avenue
Chico, CA 95926

David P. Bledsaw
2120 B Street
Oroville, CA 95966

Robert W. Strickler
546 N. 16th Street
San Jose, CA 95112

Martin Shriver
4736 Hartley Drive
Forest Ranch, CA 95942

Charles L. Fransen
8 Nicole Lane
Chico, CA 95926

Tal Siglar
16 Rosta Way
Oroville, CA 95966

Graham R. Hansen
718 Oregon Gulch Road
Oroville, CA 95965

Keith Strasburger
718 Oregon Gulch Road
Oroville, CA 95965

(proponent's names continued on separate sheet)

"Ensuring the integrity of California's election process"



Proponent's names continued

#817 – RIGHT TO POSSES AND CARRY FIREARMS. PENALTIES FOR
CRIMINAL USE. INITIATIVE CONSTITUTIONAL AMENDMENT AND
STATUTE.

April 6, 1998

Page 2

Ernest Barlow
157 Spring Creek Road
Oroville, CA 95966

Billy R. Beibers
131 Sunset View Lane
Oroville, CA 95966

Allen L. Frady
32 Midway Drive
Oroville, CA 95966

Kenneth Shier
8205 Grier Avenue
Oroville, CA 95966

Spencer C. Clingan
473 Horse Shoe Hill, #3
Paradise, CA 95969

Jason A. Williams
2259 Baldwin Avenue
Palermo, CA 95968

Thomas Navarro
7525 Railroad Avenue
Palermo, CA 95968

Rajwinder Bains
P.O. Box 106
2862 Monroe Road
Yuba City, CA 95926

Cary Schwartz
257 Kelly Ridge Road
Oroville, CA 95965

George T. Warfield
6270 Oro Bangor Hwy.
Oroville, CA 95966

Susan B. Warfield
6270 Oro Bangor Hwy.
Oroville, CA 95966

Thomas W. Schurkamp
1506 Keko Street
Oroville, CA 95965

Marvin G. Paxton
108 Sycamore Creek Dr.
Berry Creek, CA 95916

Steven P. Preston
1218 14th Street
Oroville, CA 95965

Robert Ortlund
4300 Shorthorn Drive
Chico, CA 95973

Jeff Longhorn
2552 Garden Ranch Rd.
Oroville, CA 95966

Chanda Longhorn
2552 Garden Ranch Rd.
Oroville, CA 95966

Ronald Lee Morrison
335 Canyon Drive
Oroville, CA 95966

Michael H. Adamson
3613 Ben Holt, #120
Stockton, CA 95219

Fred W. Thurman, Jr.
1105 12th Street
Oroville, CA 95966

Tom Adair
#2 Happy Hollow Lane
Oroville, CA 95966

Robert C. Jedlicka
2001 12th Street
Oroville, CA 95965

Ronald L. Bergman
717 Biggs East Hwy.
Biggs, CA 95917

John Bachellerie
2150 Forbestown Road
Oroville, CA 95966

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

Thomas Wycoff
14339 Carnegie Road
Magalia, CA 95954

Tony Casimir
2564 A Street
Oroville, CA 95966

Jeff Jones
2740 S. Villa
Oroville, CA 95966

Fergus C. Leckie
120 Menlo Way, #67
Chico, CA 95926

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#817
RIGHT TO POSSESS AND CARRY FIREARMS.
PENALTIES FOR CRIMINAL USE.
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 693,230
California Constitution, Article II, Section 8(b)

2. Official Summary Date:.....Monday, 04/06/98
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336)Monday, 04/06/98

 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a))Thursday, 09/03/98

 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b)).....Thursday, 09/17/98

(If the Proponent files the petition with the county on a date prior to 09/03/98,
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) (EC §9030(b)).

 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c))..... Saturday, 09/26/98*

 - 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
(EC §9030(d)(e)).....Monday, 11/09/98

* Date varies based on receipt of county certification.

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INITIATIVE #817

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 09/26/98, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §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 as 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 (EC §9030(f)(g); 9031(a))..... Thursday, 11/19/98*

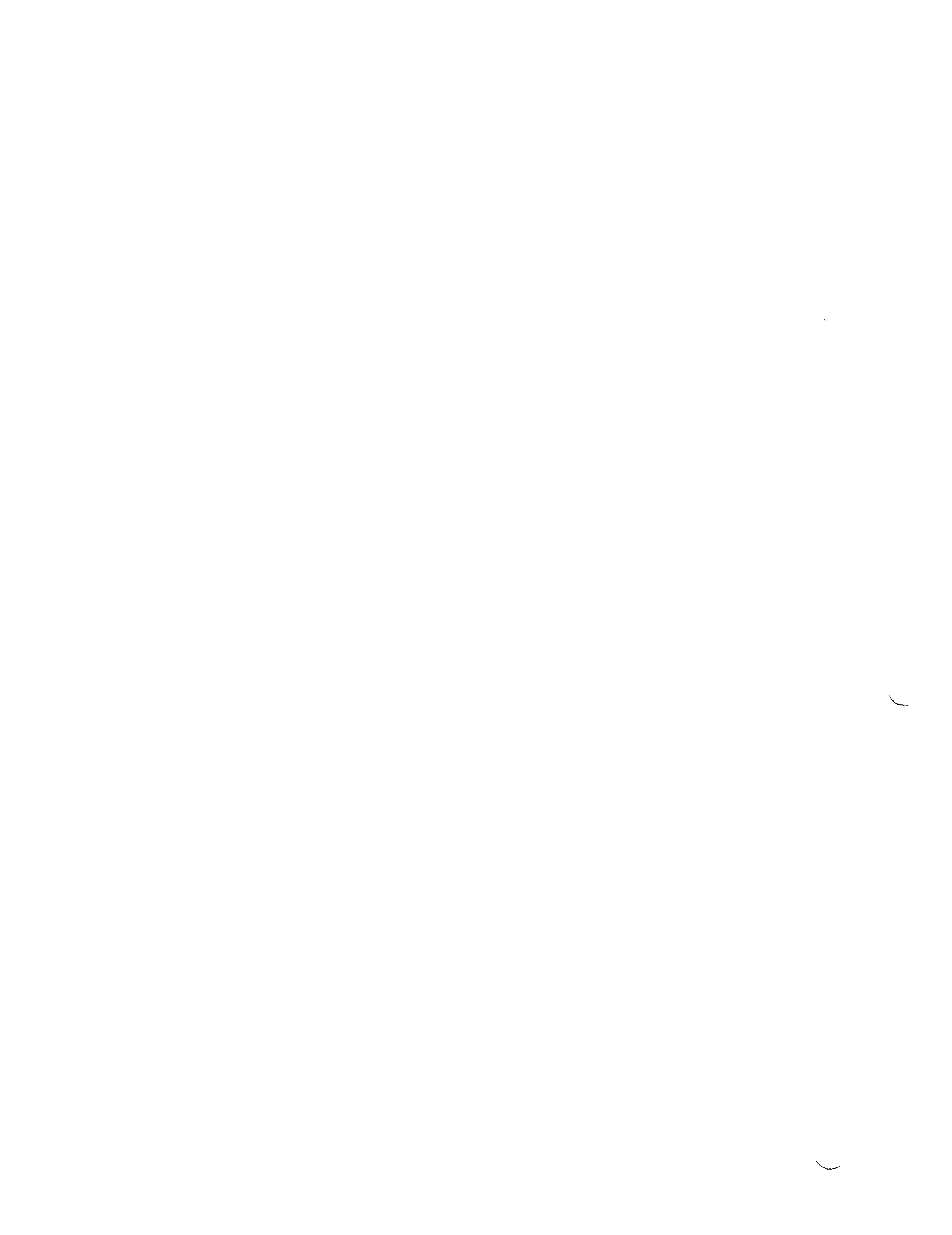
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c)).Wednesday, 01/06/99

(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 11/19/98, the last day is no later than the thirtieth working day after the county's receipt of notification) (EC §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033) Sunday, 01/10/99*

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 3, 1998 GENERAL ELECTION: This initiative must be certified for the ballot 131 days before the election (June 25, 1998). 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 official by April 17, 1998. If a 100% check of signatures is necessary, it is advised that the petitions be filed by February 25, 1998.

* Date varies based on receipt of county certification.



IMPORTANT POINTS

- 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 fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- 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 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.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- 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.
- 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.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

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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

FILED


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

April 6, 1998

APR 06 1998

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: RIGHT TO POSSESS AND CARRY FIREARMS. PENALTIES FOR
CRIMINAL USE. INITIATIVE CONSTITUTIONAL AMENDMENT
AND STATUTE.
File No: SA 98 RF 0011

Dear Mr. Jones:

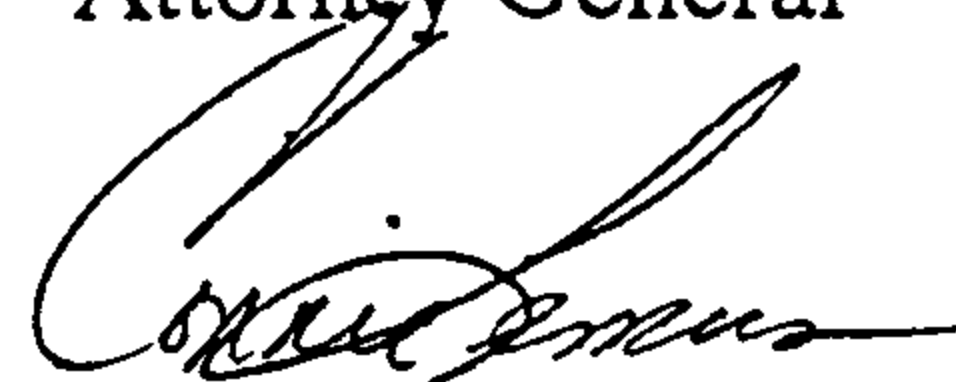
Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

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

According to information available in our records, the name and address of the proponent are as stated on the declaration of service.

Sincerely,

DANIEL E. LUNGREN
Attorney General



CONNIE LEMUS
Initiative Coordinator

CL:fec
Enclosures

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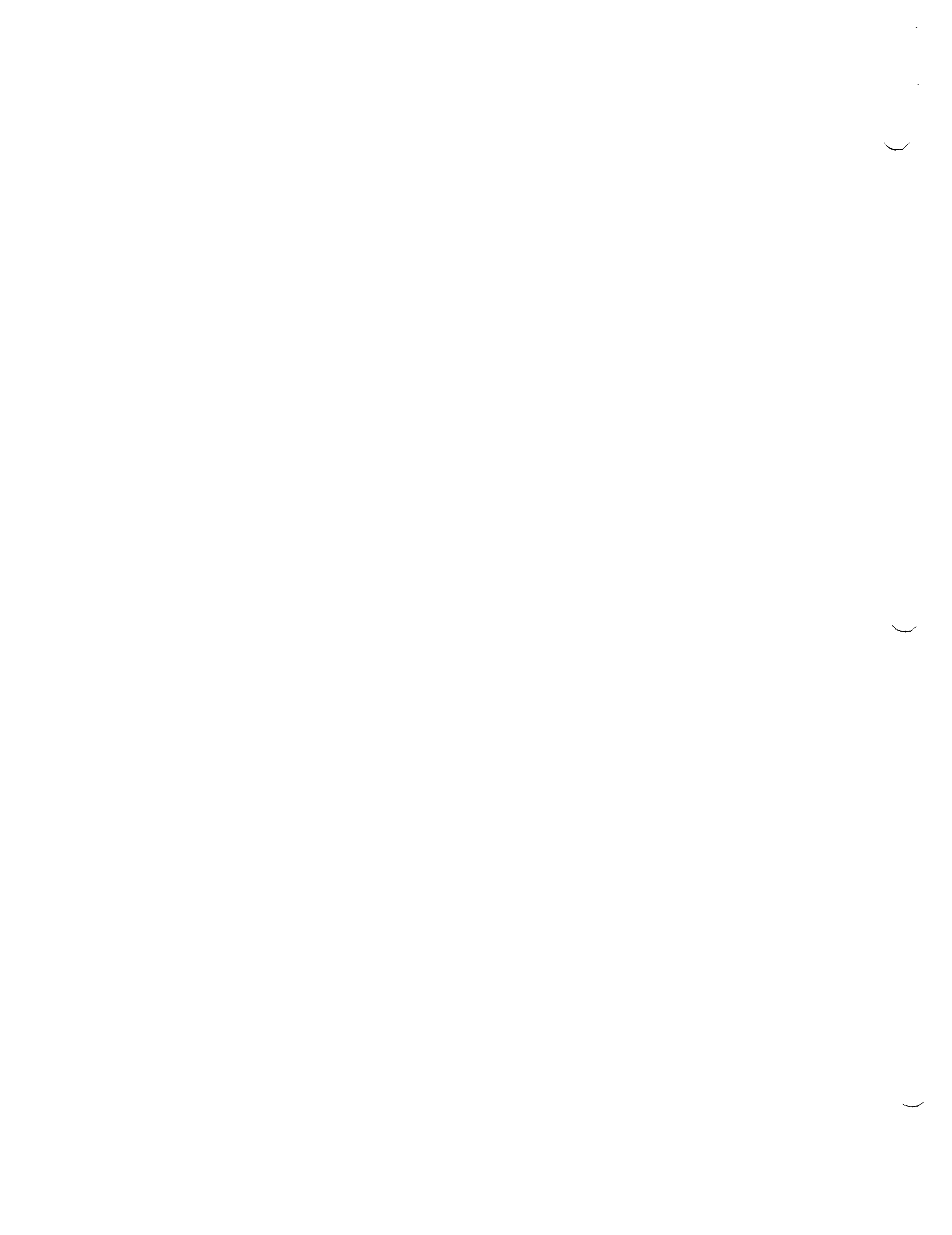
Date: April 6, 1998
File No: SA98RF0011

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

RIGHT TO POSSESS AND CARRY FIREARMS. PENALTIES FOR CRIMINAL USE.

INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Amends constitution to guarantee right to possess, transfer, and lawfully use firearms. Forbids licensure, registration or special taxation of firearms. Expands permitted carrying of concealed firearms. Prohibits firearm possession by ex-felons and persons adjudged addicts or dangerous to themselves or others. Provides civil immunity for lawful use or transfer of firearms. Amends statutes to provide life sentences for commission of a felony while armed with a firearm. Allows trial, as adults, of juveniles 14 years or older, who commit felonies while armed with a firearm.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: If passed, the measure would result in hundreds of millions of dollars in one-time and ongoing net incarceration costs to state government and unknown, but probably significant, net costs to local governments.



SA98RF0011

CALIFORNIA FIREARM REFORM COMMITTEE

P.O.BOX 1306

BERRY CREEK, CA. 95916

FAX (530) 534-1377

PH (530)534-9119

E-MAIL: cfrc@cncnet.com

URL <http://www.geocities.com/CapitolHill/3858>

February 6, 1998

Rosemary Calderon
Initiative Coordinator
Office of the Attorney General
1300 I Street
Sacramento, Ca. 95814

RECEIVED

FEB 11 1998

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Ref: California Firearm Protection Act
An Initiative Measure.

Dear Ms. Calderon,

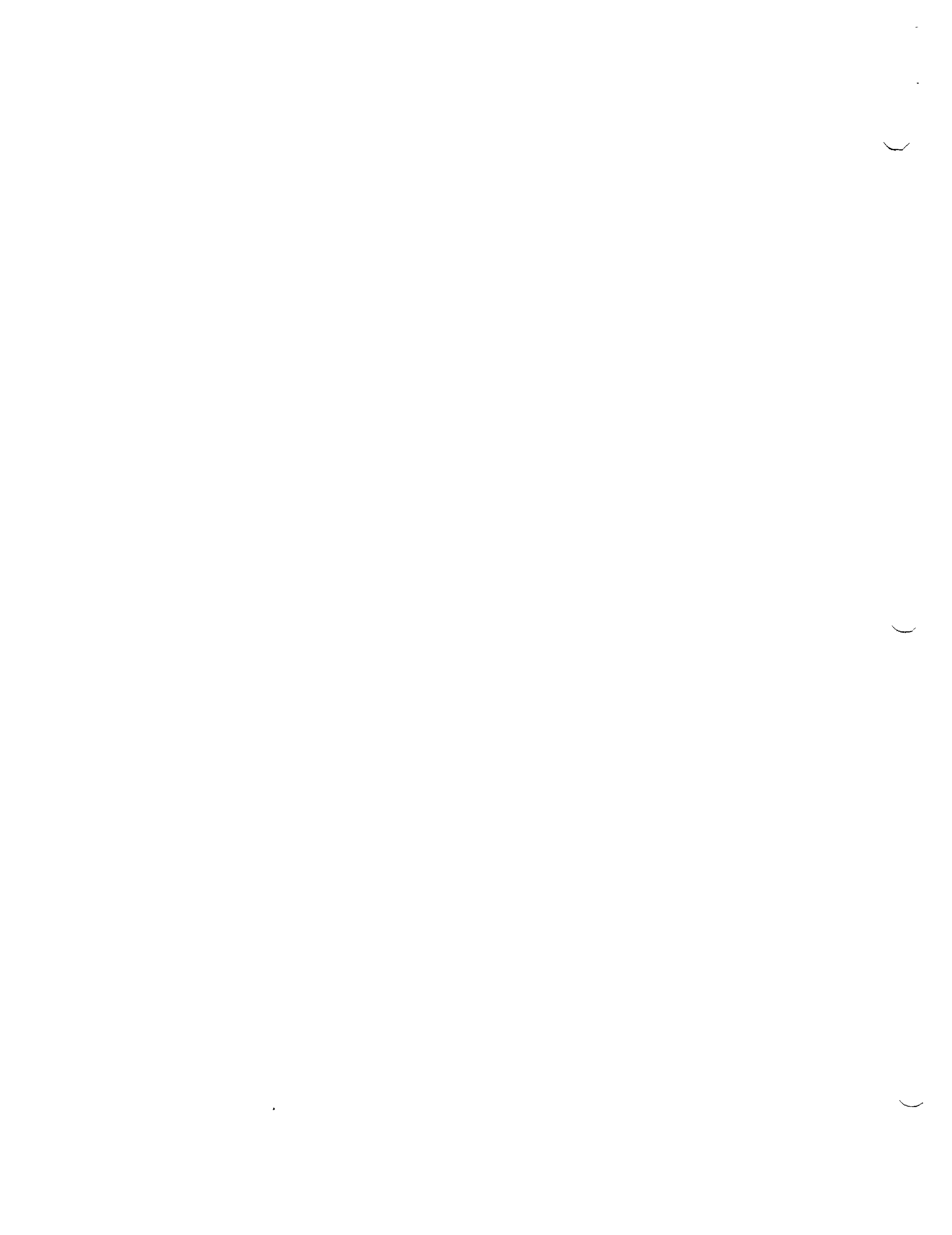
Attached please find a check in the sum of \$200.00, the original draft of the proposed Initiative Measure, captioned the California Firearms Protection Act, and the original declaration and request by the proponents of the measure requesting that your office prepare a title and summary as required by 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.

This is the second filing of this particular Ballot Measure. It was filed with your office February 2, 1996. The California Attorney General completed the title and Summary on the proposed measure at that time. Inclosed are copies of documents for your information as to the progress and history of the California Firearms Reform Committee. An I.D. Number of 960879 was assigned to our organization. All financial reports have all been filed on schedule in the past two years. This may assist you with the preparation of the Title and Summary to save you some time and effort.

Your attention to the preparation of a Title and Summary will be appreciated. If you have any questions concerning this matter, kindly direct them to me at the phone, fax or e-mail numbers above.

Thank you,

Bruce A. Welch
Bruce A. Welch, Chairman



SA98RF0011

February 2, 1998

RECEIVED

FEB 11 1998

Rosemary Calderon
Initiative Coordinator
Office of the Attorney General
1300 I Street
Sacramento, Ca. 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Ref: Initiative Measure - "CALIFORNIA FIREARMS PROTECTION ACT"
Request for Title and Summary.

Dear Ms. Calderon:

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 Residence Address Only

LAWRENCE E GIBSON 1930 GRANT AVE
Signature City Zip

Lawrence E. Gibson Oroville Ca 95965

Print your Name Residence Address Only

CLAUDIA M. PETERSON 559 EAST AVE
Signature City Zip

Claudia M. Peterson Chico 95926



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

PRINT YOUR NAME DAVID BLEDSAW RESIDENCE ADDRESS ONLY 2120 B ST OROVILLE 95966
SIGNATURE *David Bledsaw* CITY ZIP OROVILLE 95966

PRINT YOUR NAME ROBERT J. WENZEL JR RESIDENCE ADDRESS ONLY 653 WILDWOOD LANE PALO ALTO CA 94303
SIGNATURE *Robert J. Wenzel Jr* CITY ZIP PALO ALTO CA 94303

PRINT YOUR NAME ROBERT W STRUCKER RESIDENCE ADDRESS ONLY SAN JOSE CA 95112
SIGNATURE *Robert W Strucker* CITY ZIP SAN JOSE, CA 95112

PRINT YOUR NAME Martin Shriver RESIDENCE ADDRESS ONLY 4736 Hartley Dr Forest Ranch Ca 95942
SIGNATURE *Martin Shriver* CITY ZIP Forest Ranch Ca 95942

PRINT YOUR NAME Charles Franzen RESIDENCE ADDRESS ONLY 8 Nicole Ln. Chico, Ca 95926
SIGNATURE *Charles Franzen* CITY ZIP Chico, Ca 95926

PRINT YOUR NAME TAL SIGLAR RESIDENCE ADDRESS ONLY 16 Rosita way Oroville, CA 95966
SIGNATURE *Tal Siglar* CITY ZIP Oroville, CA 95966

PRINT YOUR NAME Michael D Sanders RESIDENCE ADDRESS ONLY 11 Yellow Hammer Dr Oroville, CA 95966
SIGNATURE *Michael D Sanders* CITY ZIP Oroville, CA 95966

PRINT YOUR NAME Fred Webb RESIDENCE ADDRESS ONLY 6782 Edwards Dr. 95966 Oroville
SIGNATURE *Fred Webb* CITY ZIP Oroville

PRINT YOUR NAME GRAHAM HANSEN RESIDENCE ADDRESS ONLY 718 OREGON GULCH RD. OROVILLE 95965
SIGNATURE *Graham Hansen* CITY ZIP OROVILLE 95965

PRINT YOUR NAME Keith Strasburger RESIDENCE ADDRESS ONLY 718 OREGON GULCH RD OROVILLE CA 95965
SIGNATURE *Keith Strasburger* CITY ZIP OROVILLE CA 95965



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

PRINT YOUR NAME ERNEST BARLOW RESIDENCE ADDRESS ONLY 157 SPRING CREEK Rd OROVILLE

SIGNATURE Ernest Barlow CITY OROVILLE ZIP CA 95966

PRINT YOUR NAME Shawn Heywood RESIDENCE ADDRESS ONLY 7210 Pentz Rd

SIGNATURE S. Heywood CITY Paradise ZIP CA 95969

PRINT YOUR NAME Billy R. Beibers RESIDENCE ADDRESS ONLY 14 Dawn Ct.

SIGNATURE Billy R. Beibers CITY Oroville ZIP 95965

PRINT YOUR NAME ALLEN L. FRADY RESIDENCE ADDRESS ONLY 32 Midway Dr.

SIGNATURE Allen L. Frady CITY Oroville ZIP 95966

PRINT YOUR NAME BRIAN ALDRICH RESIDENCE ADDRESS ONLY 11509 AUREOLE WAY

SIGNATURE Brian Aldrich CITY OROVILLE ZIP CA 95965

PRINT YOUR NAME Kenneth Shier RESIDENCE ADDRESS ONLY 8205 GRIER AVE

SIGNATURE Kenneth Shier CITY OROVILLE ZIP 95966

PRINT YOUR NAME Ken Shier RESIDENCE ADDRESS ONLY 8205 Grier AVE

SIGNATURE Kenneth Shier CITY Oroville ZIP 95966

PRINT YOUR NAME SPENCER C. CLINGAN RESIDENCE ADDRESS ONLY 473 HORSE SHOE HILL PARADISE.

SIGNATURE Spencer C. Clingan CITY PARADISE ZIP 95969

PRINT YOUR NAME TASONA WILLIAMS RESIDENCE ADDRESS ONLY 2259 BALDWIN AVE

SIGNATURE Tasona Williams CITY PALERMO ZIP CA 95968

PRINT YOUR NAME THOMAS NAVARRO RESIDENCE ADDRESS ONLY 17525 Railroad Ave

SIGNATURE Thomas Navarro CITY Palerme ZIP 95968



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

PRINT YOUR NAME RAJINDER BAINS RESIDENCE ADDRESS ONLY P.O. BOX 106-2862 McHVOE RD
SIGNATURE [Signature] CITY YUBA CITY ZIP 95926

PRINT YOUR NAME CARY SCHWARTZ RESIDENCE ADDRESS ONLY 257 Kelly Ridge Rd
SIGNATURE [Signature] CITY Oroville CA ZIP 95965

PRINT YOUR NAME GEORGE T. WARFIELD RESIDENCE ADDRESS ONLY 6270 ORO BANGOR HWY
SIGNATURE [Signature] CITY OROVILLE, CA ZIP 95966

PRINT YOUR NAME SUSAN B. WARFIELD RESIDENCE ADDRESS ONLY 6270 ORO BANGOR HWY
SIGNATURE [Signature] CITY Oroville, CA ZIP 95966

PRINT YOUR NAME THOMAS W. SCHURKAND RESIDENCE ADDRESS ONLY 1506 Kelco St.
SIGNATURE [Signature] CITY Oroville ZIP 95965

PRINT YOUR NAME MARVIN G. PAXTON RESIDENCE ADDRESS ONLY 108 SYCAMORE CK OR BEAR CREEK
SIGNATURE [Signature] CITY BEAR CREEK ZIP 95916

PRINT YOUR NAME STEVEN P. PRESTON RESIDENCE ADDRESS ONLY 1218 14th. St.
SIGNATURE [Signature] CITY Oroville, Cal ZIP 95965

PRINT YOUR NAME ROBERT CRITLAND RESIDENCE ADDRESS ONLY 4300 Short-Thorn Dr.
SIGNATURE [Signature] CITY Chico ZIP 95973

PRINT YOUR NAME JEFF LONGHORN RESIDENCE ADDRESS ONLY 2552 Garden Ranch Rd
SIGNATURE [Signature] CITY Oroville CA ZIP 95966

PRINT YOUR NAME CHARIDA LONGHORN RESIDENCE ADDRESS ONLY 2552 C. GRDN. RCH. RD.
SIGNATURE [Signature] CITY OROVILLE, CA ZIP 95966



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

PRINT YOUR NAME RESIDENCE ADDRESS ONLY
SIGNATURE CITY ZIP
Ronald Lee Morrison 335 Canyon Dr.
Ronald Lee Morrison Oroville 95966

PRINT YOUR NAME RESIDENCE ADDRESS ONLY
SIGNATURE CITY ZIP
William H. Robinson R. 410 East Biggs Hwy
William H. Robinson Biggs 95917

PRINT YOUR NAME RESIDENCE ADDRESS ONLY
SIGNATURE CITY ZIP
Adamson Michael H 3613 Ben Holt #120
M.H. Adamson Stockton CA. 95219

PRINT YOUR NAME RESIDENCE ADDRESS ONLY
SIGNATURE CITY ZIP
Fred William Thurman Jr 1105 12TH ST
Fred W Thurman Oroville CA 95966

PRINT YOUR NAME RESIDENCE ADDRESS ONLY
SIGNATURE CITY ZIP
Tom Adair #2 Happy Hollow Ln
Tom Adair Oroville ca 95966

PRINT YOUR NAME RESIDENCE ADDRESS ONLY
SIGNATURE CITY ZIP
Robert C. Jodlicka 2001 12th Street
Robert C Jodlicka Oroville, CA 95965

PRINT YOUR NAME RESIDENCE ADDRESS ONLY
SIGNATURE CITY ZIP
Donald Bergman Biggs CA 95917
Donald Bergman Biggs CA 95917

PRINT YOUR NAME RESIDENCE ADDRESS ONLY
SIGNATURE CITY ZIP
JOHN BACHELLERIE ORD 95966
John Bachellarie 95966

PRINT YOUR NAME RESIDENCE ADDRESS ONLY
SIGNATURE CITY ZIP
Arnold Anderson 2550 Oro Garden Ranch rd
Arnold Anderson Oroville 95966
Arnold Anderson Oroville 95966

PRINT YOUR NAME RESIDENCE ADDRESS ONLY
SIGNATURE CITY ZIP
THOMAS WYCOFF 14339 CARNEGIE RD
Thomas Wycoff MAGALIA CA 95954



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

PRINT YOUR NAME

RESIDENCE ADDRESS ONLY

TONY CASIMIR 2564 A Street
CITY ZIP
Oroville CA 95966

PRINT YOUR NAME

RESIDENCE ADDRESS ONLY

JEFF JONES 2740 S. VILLA

SIGNATURE

CITY

ZIP

PALEMO 95968

PRINT YOUR NAME

RESIDENCE ADDRESS ONLY

FERGUS C. LECKIE 120 Mevilo Way #67
CITY ZIP
Chico 95926

PRINT YOUR NAME

RESIDENCE ADDRESS ONLY

SIGNATURE

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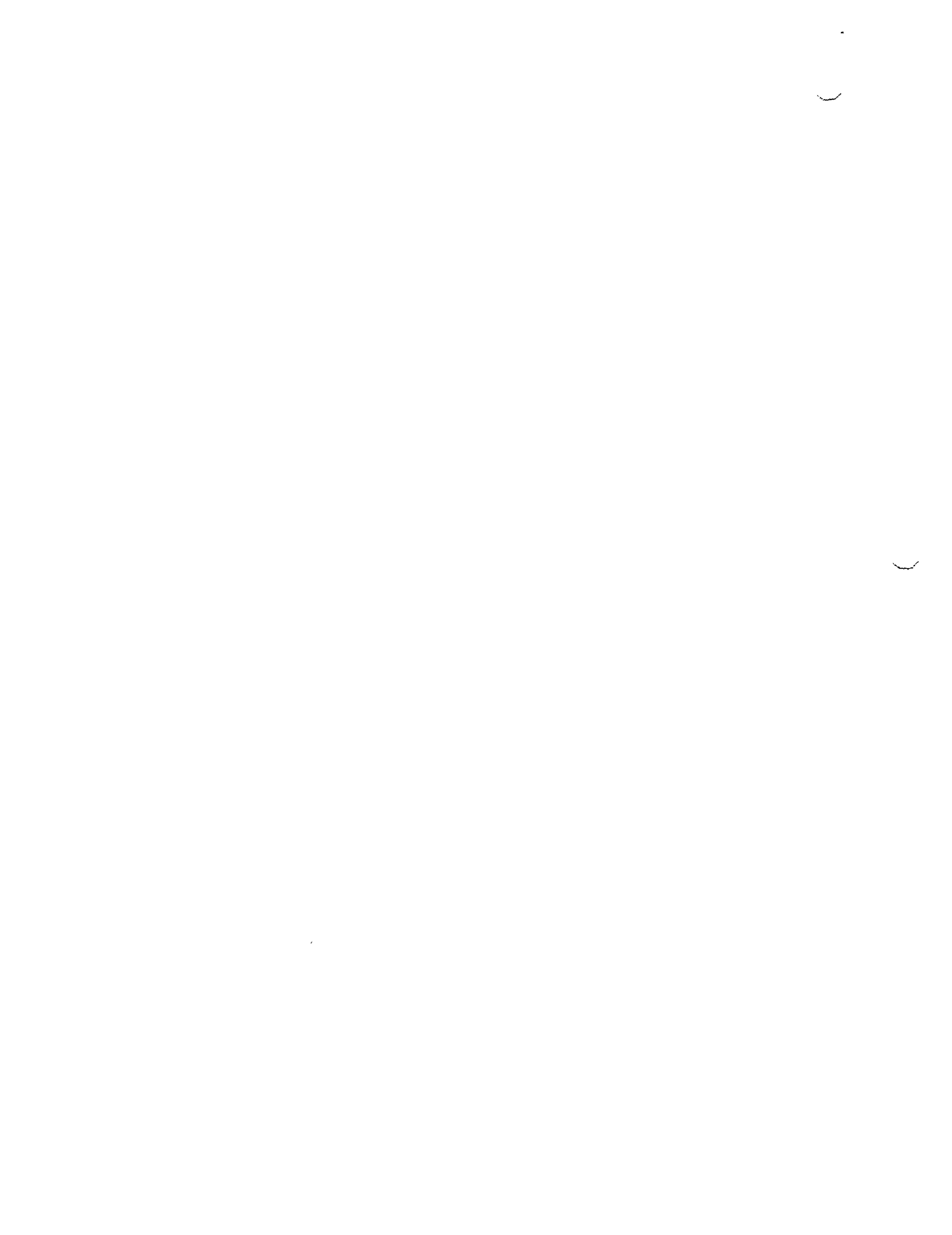
AMENDMENT TO THE CONSTITUTION OF THE STATE OF CALIFORNIA
AND RELATED STATUTES

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.

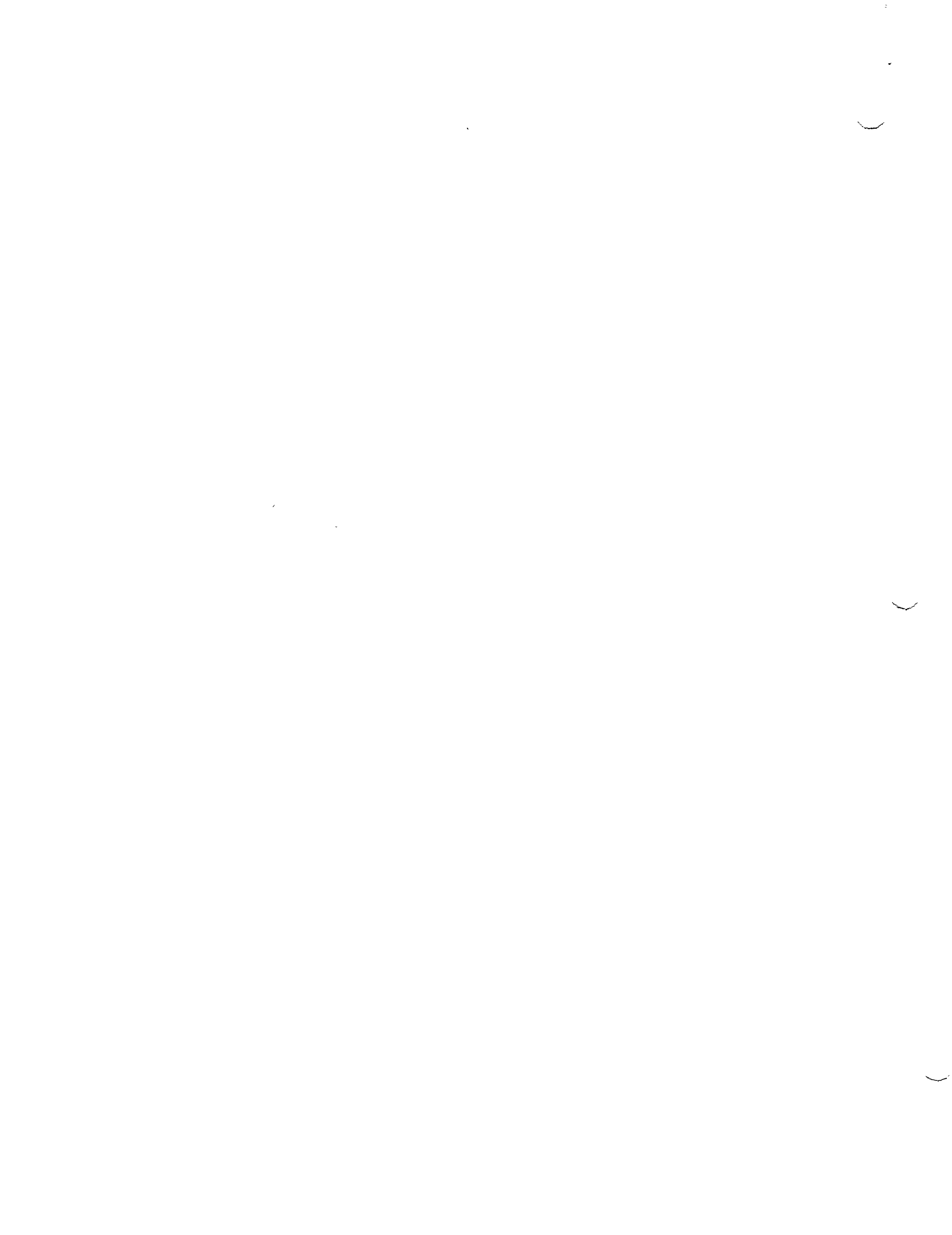


(c) We, the people of the State of California, do further demand that the firearm policy of this state be fundamentally changed; that those convicted of unlawfully possessing firearms in the commission of serious crime must be severely punished in the first instance; that juvenile offenders must be treated 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

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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.

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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.

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