

California State Senate

SENATOR
KEVIN DE LEÓN
TWENTY-SECOND SENATE DISTRICT



SB 124 (De León) Cop-Killer Bullet Ban Protection Act

PURPOSE:

Protect our law enforcement community from cop-killer bullets by clarifying the definition of handgun ammunition and armor piercing bullets.

BACKGROUND:

On January 21, 2011, Fresno Superior Court Judge Jeffrey Hamilton issued a summary adjudication in *Parker v. California* asserting that Penal Code section 12323 is unconstitutionally vague. That general code section, which was initially enacted 29 years ago, defines handgun ammunition as well as handgun ammunition capable of piercing body armor, or so-called "cop-killer bullets." Basing a ruling on the theory that this code section is unconstitutionally vague jeopardizes California's prohibition on minors purchasing ammunition. More alarming, however, is that if upheld this reckless decision would jeopardize the ban on cop-killer bullets.

The Legislature must act immediately to make certain no future court will invalidate this code section on vagueness grounds and flood our streets with cop-killer bullets. We must protect those who protect us.

PROPOSAL:

SB 124 amends Penal Code Section 12323 (Sections 16650 and 16660 under the California Law Commission renumbering that will take effect next year) to clarify the definition of "handgun ammunition" and cop-killer bullets. The bill deletes the words "principally for use" and "designed primarily" from Penal Code Section 12323 which the NRA and court argued was unconstitutionally vague. The measure then also updates cross references to that definition that were included in Proposition 115 (passed in 1990) that creates penalty enhances for the use of such ammunition in the course of a felony or murder. Since SB 124 amends Proposition 115, those provisions must be put on the ballot and approved by the voters to become law.

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