

AMENDED IN SENATE JULY 3, 2023  
AMENDED IN ASSEMBLY APRIL 19, 2023  
AMENDED IN ASSEMBLY MARCH 29, 2023  
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1089**

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**Introduced by Assembly Member Gipson  
(Coauthors: Assembly Members Kalra and Papan)**

February 15, 2023

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An act to amend Section 3273.50 of, and to add ~~Section 3343.9 to,~~ *Title 21 (commencing with Section 3273.60) to Part 4 of Division 3 of,* the Civil Code, and to amend Sections 29010 and 29185 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1089, as amended, Gipson. Firearms.

(1) Existing law requires any person who manufactures more than 3 firearms in a year to be licensed by the state as a firearms manufacturer. Existing law prohibits any person from using a three-dimensional printer to manufacture a firearm unless that person is a state-licensed firearms manufacturer. Existing law prohibits any person from using a computer numerical control (CNC) milling machine to manufacture a firearm unless the person is a federally licensed manufacturer or importer.

This bill would instead require anybody who uses a three-dimensional printer or CNC milling machine to manufacture a firearm to be a state-licensed manufacturer.

(2) Existing law prohibits the sale, purchase, possession, or receipt of a CNC milling machine that has the sole or primary function of

manufacturing firearms to or by anybody in the state other than a federally licensed manufacturer or importer.

This bill would also prohibit the sale, purchase, possession, or receipt of a three-dimensional printer that has the sole or primary function of manufacturing firearms to or by any person in the state other than a state-licensed firearms manufacturer, as specified.

(3) Existing law commencing on July 1, 2023, requires a firearm industry member, as defined, to take reasonable precautions to ensure that they do not sell, distribute, or provide a firearm-related product, as defined, to a downstream distributor or retailer who fails to establish reasonable controls or adhere to laws pertaining to unfair methods of competition, unfair or deceptive acts or practices, and false advertising, and prohibits a firearm industry member from manufacturing, marketing, importing, or offering for sale a firearm-related product that is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety, and also authorizes a person who has suffered harm, or the Attorney General, or city or county attorneys, to bring a civil action against a firearm industry member for an act or omission in violation of these requirements

This bill would add three-dimensional printers and CNC milling machines, as specified, to the definition of firearm-related products.

(4) The bill would additionally provide that a civil action may be brought against a person who distributes any code or digital instructions to a specified person for the manufacture of a firearm using a three-dimensional printer or CNC milling machine, or who violates ~~the above provisions~~ *specified provisions* relating to the use, sale, *marketing, advertising*, transfer, possession, purchase, or receipt of a CNC milling machine or three-dimensional printer. The bill would specify that a person is strictly liable for any personal injury or property damage, as specified, caused by any firearm manufactured using the distributed code or manufactured by a CNC milling machine, three-dimensional printer, or similar machine. The bill would authorize the Attorney General, a county counsel, or a city attorney to bring an action seeking a civil penalty not to exceed \$25,000 for each violation as well as injunctive relief.

(5) The bill would declare its provisions to be severable.

(6) By expanding existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3273.50 of the Civil Code is amended  
2 to read:

3 3273.50. As used in this title, the following definitions apply:  
4 (a) "Ammunition" has the same meaning as provided in  
5 subdivision (b) of Section 16150 of the Penal Code.

6 (b) "Firearm" has the same meaning as provided in subdivisions  
7 (a) and (b) of Section 16520 of the Penal Code.

8 (c) "Firearm accessory" means an attachment or device designed  
9 or adapted to be inserted into, affixed onto, or used in conjunction  
10 with a firearm that is designed, intended, or functions to alter or  
11 enhance the firing capabilities of a firearm, the lethality of the  
12 firearm, or a shooter's ability to hold and use a firearm.

13 (d) "Firearm-related product" means a firearm, ammunition, a  
14 firearm precursor part, a firearm component, firearm manufacturing  
15 machine, and a firearm accessory that meets any of the following  
16 conditions:

17 (1) The item is sold, made, or distributed in California.

18 (2) The item is intended to be sold or distributed in California.

19 (3) The item is or was possessed in California and it was  
20 reasonably foreseeable that the item would be possessed in  
21 California.

22 (e) "Firearm precursor part" has the same meaning as provided  
23 in Section 16531 of the Penal Code.

24 (f) "Firearm industry member" shall mean a person, firm,  
25 corporation, company, partnership, society, joint stock company,  
26 or any other entity or association engaged in the manufacture,  
27 distribution, importation, marketing, wholesale, or retail sale of  
28 firearm-related products.

29 (g) "Firearm manufacturing machine" means a three-dimensional  
30 printer, as defined in Section 29185 of the Penal Code, or CNC

1 milling machine that, as described in that section, is marketed or  
 2 sold as, or reasonably designed or intended to be used to  
 3 manufacture or produce a firearm.

4 (h) “Reasonable controls” means reasonable procedures, acts,  
 5 or practices that are designed, implemented, and enforced to do  
 6 the following:

7 (1) Prevent the sale or distribution of a firearm-related product  
 8 to a straw purchaser, a firearm trafficker, a person prohibited from  
 9 possessing a firearm under state or federal law, or a person who  
 10 the firearm industry member has reasonable cause to believe is at  
 11 substantial risk of using a firearm-related product to harm  
 12 themselves or another or of possessing or using a firearm-related  
 13 product unlawfully.

14 (2) Prevent the loss or theft of a firearm-related product from  
 15 the firearm industry member.

16 (3) Ensure that the firearm industry member complies with all  
 17 provisions of California and federal law and does not otherwise  
 18 promote the unlawful manufacture, sale, possession, marketing,  
 19 or use of a firearm-related product.

20 *SEC. 2. Title 21 (commencing with Section 3273.60) is added*  
 21 *to Part 4 of Division 3 of the Civil Code, to read:*

22  
 23 *TITLE 21. FIREARM MANUFACTURING*  
 24

25 *3273.60. As used in this title, the following definitions apply:*

26 (a) “Digital firearm manufacturing code” means any digital  
 27 instructions in the form of computer-aided design files or other  
 28 code or instructions stored and displayed in electronic format as  
 29 a digital model that may be used to program a CNC milling  
 30 machine, a three-dimensional printer, or a similar machine, to  
 31 manufacture or produce a firearm, including a completed frame  
 32 or receiver or a firearm precursor part.

33 (b) “Federally licensed firearms manufacturer” means a person,  
 34 firm, corporation, or other entity that holds a valid license to  
 35 manufacture firearms issued pursuant to Chapter 44 (commencing  
 36 with Section 921) of Part I of Title 18 of the United States Code  
 37 and regulations issued pursuant thereto.

38 (c) “Firearm” has the same meaning as in subdivisions (a) and  
 39 (b) of Section 16520 of the Penal Code.

1 (d) “Three-dimensional printer” means a computer-aided  
2 manufacturing device capable of producing a three-dimensional  
3 object from a three-dimensional digital model through an additive  
4 manufacturing process that involves the layering of  
5 two-dimensional cross sections formed of a resin or similar  
6 material that are fused together to form a three-dimensional object.

7 3273.61. (a) A civil action may be brought against a person  
8 who knowingly does either of the following:

9 (1) Distributes or causes to be distributed, by any means  
10 including the internet, any digital firearm manufacturing code to  
11 any other person in this state who is not a federally licensed  
12 firearms manufacturer, member of the Armed Forces of the United  
13 States or the National Guard, while on duty and acting within the  
14 scope and course of employment, or any law enforcement agency  
15 or forensic laboratory.

16 (2) Commits an act that violates Section 29185 of the Penal  
17 Code, regardless of whether the act results in a conviction.

18 (b) (1) A person who commits an act described in subdivision  
19 (a) shall be strictly liable for any personal injury or property  
20 damage inflicted by the use of a firearm that is manufactured or  
21 produced using the digital firearm manufacturing code that they  
22 distributed or caused to be distributed, or that is manufactured by  
23 means of a computer numerical control (CNC) milling machine,  
24 a three-dimensional printer, or a similar machine.

25 (2) This subdivision does not apply to any injury or property  
26 damage sustained by a person who commits an unlawful act  
27 described in subdivision (a).

28 (c) The Attorney General, county counsel, or city attorney may  
29 bring an action in any court of competent jurisdiction to establish  
30 that a person has violated this section and may seek a civil penalty  
31 not to exceed twenty-five thousand dollars (\$25,000) for each  
32 violation, as well as injunctive relief sufficient to prevent the person  
33 and any other defendant from further violating the law.

34 (d) A prevailing plaintiff shall be entitled to recover reasonable  
35 attorney’s fees and costs.

36 (e) The remedies provided by this section are cumulative and  
37 shall not be construed as restricting any other rights, causes of  
38 action, claims, or defenses available under any other law.

39 3273.62. (a) A person shall not sell, offer to sell, transfer,  
40 advertise, or market a CNC milling machine or three-dimensional

1 printer in a manner that knowingly or recklessly causes another  
2 person in this state to engage in conduct prohibited by Section  
3 29185 of the Penal Code, or in a manner that otherwise knowingly  
4 or recklessly aids, abets, promotes, or facilitates conduct prohibited  
5 by that section.

6 (b) There shall be a rebuttable presumption that a person is  
7 engaged in conduct in violation of subdivision (a) if both of the  
8 following are true:

9 (1) The person offers to sell, advertises, or markets a CNC  
10 milling machine or three-dimensional printer in a manner that,  
11 under the totality of the circumstances, is targeted at purchasers  
12 seeking to manufacture firearms or that otherwise affirmatively  
13 promotes the machine or printer’s utility in manufacturing  
14 firearms, regardless of whether the machine or printer is otherwise  
15 described or classified as having any other capabilities.

16 (2) The person sells or transfers the CNC milling machine or  
17 three-dimensional printer described in paragraph (1) without  
18 verifying that a purchaser or transferee in this state is a federally  
19 licensed firearms manufacturer or not otherwise prohibited from  
20 purchasing or using the machine or printer to manufacture  
21 firearms under Section 29185 of the Penal Code.

22 (c) A person who has suffered harm because of conduct in  
23 violation of this section, including conduct in violation of Section  
24 29185 of the Penal Code that was precipitated by a violation of  
25 this section, may bring an action in a court of competent  
26 jurisdiction to seek appropriate relief, which may include injunctive  
27 relief sufficient to prevent the person and any other defendant from  
28 further violating the law, compensatory or statutory damages,  
29 punitive damages, reasonable attorney’s fees and costs, and any  
30 other appropriate relief necessary to enforce this title and remedy  
31 the harm caused by the violation.

32 (d) In the name of the people of the State of California, the  
33 Attorney General or any county counsel or city attorney may bring  
34 an action in any court of competent jurisdiction to establish that  
35 a person has violated this section, or Section 29185 of the Penal  
36 Code, and seek a civil penalty not to exceed twenty-five thousand  
37 dollars (\$25,000) for each violation, as well as injunctive relief  
38 sufficient to prevent the person and any other defendant from  
39 further violating the law.

40 ~~SEC. 2. Section 3343.9 is added to the Civil Code, to read:~~

1 3343.9. ~~(a) A civil action may be brought against a person~~  
2 ~~who knowingly does either of the following:~~

3 ~~(1) Distributes or causes to be distributed, by any means~~  
4 ~~including the internet, any digital firearm manufacturing code to~~  
5 ~~any other person in this state who is not a federally licensed~~  
6 ~~firearms manufacturer, member of the Armed Forces of the United~~  
7 ~~States or the National Guard, while on duty and acting within the~~  
8 ~~scope and course of employment, or any law enforcement agency~~  
9 ~~or forensic laboratory.~~

10 ~~(2) Commits an act that violates Section 29185 of the Penal~~  
11 ~~Code, regardless of whether the act results in a conviction.~~

12 ~~(b) (1) A person who commits an act described in subdivision~~  
13 ~~(a) shall be strictly liable for any personal injury or property~~  
14 ~~damage inflicted by the use of a firearm that is manufactured or~~  
15 ~~produced using the digital firearm manufacturing code that they~~  
16 ~~distributed or caused to be distributed, or that is manufactured by~~  
17 ~~means of a computer numerical control (CNC) milling machine,~~  
18 ~~a three-dimensional printer, or a similar machine.~~

19 ~~(2) This subdivision does not apply to any injury or property~~  
20 ~~damage sustained by a person who commits an unlawful act~~  
21 ~~described in subdivision (a).~~

22 ~~(c) The Attorney General, county counsel, or city attorney may~~  
23 ~~bring an action in any court of competent jurisdiction to establish~~  
24 ~~that a person has violated this section and may seek a civil penalty~~  
25 ~~not to exceed twenty-five thousand dollars (\$25,000) for each~~  
26 ~~violation, as well as injunctive relief sufficient to prevent the person~~  
27 ~~and any other defendant from further violating the law.~~

28 ~~(d) A prevailing plaintiff shall be entitled to recover reasonable~~  
29 ~~attorney's fees and costs.~~

30 ~~(e) As used in this section, the following definitions apply:~~

31 ~~(1) "Digital firearm manufacturing code" means any digital~~  
32 ~~instructions in the form of computer-aided design files or other~~  
33 ~~code or instructions stored and displayed in electronic format as~~  
34 ~~a digital model that may be used to program a CNC milling~~  
35 ~~machine, a three-dimensional printer, or a similar machine, to~~  
36 ~~manufacture or produce a firearm, including a completed frame~~  
37 ~~or receiver or a firearm precursor part.~~

38 ~~(2) "Federally licensed firearms manufacturer" means a person,~~  
39 ~~firm, corporation, or other entity that holds a valid license to~~  
40 ~~manufacture firearms issued pursuant to Chapter 44 (commencing~~

1 with Section 921) of Part I of Title 18 of the United States Code  
2 and regulations issued pursuant thereto.

3 (f) ~~The remedies provided by this section are cumulative and~~  
4 ~~shall not be construed as restricting any other rights, causes of~~  
5 ~~action, claims, or defenses available under any other law.~~

6 SEC. 3. Section 29010 of the Penal Code is amended to read:

7 29010. (a) A person shall not manufacture more than three  
8 firearms within this state in a calendar year unless that person is  
9 licensed pursuant to Chapter 2 (commencing with Section 29030).

10 (b) If a person required to be licensed pursuant to Chapter 2  
11 (commencing with Section 29030) ceases operations, then the  
12 records required pursuant to Section 29130 and subdivision (b) of  
13 Section 29115 shall be forwarded to the federal Bureau of Alcohol,  
14 Tobacco, Firearms and Explosives within three days of the closure  
15 of business.

16 (c) A violation of this section is a misdemeanor.

17 SEC. 4. Section 29185 of the Penal Code is amended to read:

18 29185. (a) No person, other than a state-licensed firearms  
19 manufacturer, shall use a computer numerical control (CNC)  
20 milling machine or three-dimensional printer to manufacture a  
21 firearm.

22 (b) It is unlawful to sell, offer to sell, or transfer a CNC milling  
23 machine or three-dimensional printer that has the sole or primary  
24 function of manufacturing firearms to any person in this state,  
25 other than a state-licensed firearms manufacturer.

26 (c) It is unlawful for any person in this state other than a  
27 state-licensed firearms manufacturer to possess, purchase, or  
28 receive a CNC milling machine or three-dimensional printer that  
29 has the sole or primary function of manufacturing firearms.

30 (d) Subdivisions (b) and (c) do not apply to any of the following:

31 (1) A person who is engaged in the business of selling  
32 manufacturing equipment to a state-licensed firearms manufacturer,  
33 and who possesses a CNC milling machine or three-dimensional  
34 printer with the intent to sell or transfer the CNC milling machine  
35 or three-dimensional printer to a state licensed firearms  
36 manufacturer.

37 (2) A common carrier licensed under state law, or a motor  
38 carrier, air carrier or carrier affiliated with an air carrier through  
39 common controlling interest that is subject to Title 49 of the United  
40 States Code, or an authorized agent of any such carrier, when

1 acting in the course and scope of duties incident to the receipt,  
2 processing, transportation, or delivery of property.

3 (3) A person who, before June 30, 2022, possessed a CNC  
4 milling machine that has the sole or primary function of  
5 manufacturing firearms and who, within 90 days after that date,  
6 does one of the following:

7 (A) Sells or transfers the machine to a federally licensed firearms  
8 manufacturer or importer.

9 (B) Sells or transfers the machine to a person described in  
10 paragraph (1).

11 (C) Removes the machine from this state.

12 (D) Relinquished the machine to a law enforcement agency.

13 (E) Otherwise lawfully terminates possession of the machine.

14 (4) A person who, before July 1, 2024, possessed a  
15 three-dimensional printer that has the sole or primary function of  
16 manufacturing firearms and who, within 90 days after that date,  
17 does one of the following:

18 (A) Sells or transfers the machine to a state-licensed firearms  
19 manufacturer.

20 (B) Sells or transfers the machine to a person described in  
21 paragraph (1).

22 (C) Removes the machine from this state.

23 (D) Relinquishes the machine to a law enforcement agency.

24 (E) Otherwise lawfully terminates possession of the machine.

25 (e) This section does not apply to any member of the Armed  
26 Forces of the United States or the National Guard, while on duty  
27 and acting within the scope and course of employment, or any law  
28 enforcement agency or forensic laboratory.

29 (f) A violation of this section is punishable as a misdemeanor.

30 (g) As used in this section, the following terms are defined as  
31 follows:

32 (1) “State-licensed firearms manufacturer” has the same meaning  
33 as the term “licensee” is defined in Section 29030.

34 (2) “Three-dimensional printer” means a computer-aided  
35 manufacturing device capable of producing a three-dimensional  
36 object from a three-dimensional digital model through an additive  
37 manufacturing process that involves the layering of  
38 two-dimensional cross sections formed of a resin or similar material  
39 that are fused together to form a three-dimensional object.

1 SEC. 5. The provisions of this act are severable. If any  
2 provision of this act or its application is held invalid, that invalidity  
3 shall not affect other provisions or applications that can be given  
4 effect without the invalid provision or application.

5 SEC. 6. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the penalty  
10 for a crime or infraction, within the meaning of Section 17556 of  
11 the Government Code, or changes the definition of a crime within  
12 the meaning of Section 6 of Article XIII B of the California  
13 Constitution.