

Assembly Bill No. 1196

CHAPTER 30

An act to add Section 12751 to the Health and Safety Code, relating to flamethrowing devices.

[Approved by Governor July 6, 2007. Filed with Secretary
of State July 6, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1196, Gaines. Flamethrowing devices.

Existing law requires the State Fire Marshal to adopt regulations governing the possession and use of flamethrowing devices. Existing law prohibits the use or possession of a flamethrowing device without a valid permit issued by the State Fire Marshal and provides that a violation of these provisions is a crime, as specified. Under existing law, the State Fire Marshal is authorized to impose fees in amounts sufficient to cover the costs incurred in the administration and enforcement of these provisions.

This bill would provide that these provisions shall not apply to the sale, purchase, possession, transportation, storage, or use of a flamethrowing device that is used in fire suppression by a person who is regularly employed by or a paid officer, employee, or member of a fire department, fire protection district, or firefighting agency, as specified, while on duty and acting within the course and scope of his or her employment.

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

SECTION 1. Section 12751 is added to the Health and Safety Code, to read:

12751. This part shall not apply to the sale, purchase, possession, transportation, storage, or use of a flamethrowing device by a person if all of the following apply:

(a) The person is regularly employed by or a paid officer, employee, or member of a fire department, fire protection district, or firefighting agency of the federal government, the state, a city, a county, a city and county, district, public or municipal corporation, or political subdivision of this state.

(b) The person is on duty and acting within the course and scope of his or her employment.

(c) The flamethrowing device is used by the fire department, fire protection district, or firefighting agency described in subdivision (a) in the course of fire suppression.