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SB-869 Firearms: securing handguns in vehicles. (2015-2016)

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Senate Bill No. 869

CHAPTER 651

An act to amend Section 25645 of, and to add Section 25140, 25452, and 25612 to, the Penal Code, relating to firearms.

[Approved by Governor September 26, 2016. Filed with Secretary of State September 26, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 869, Hill. Firearms: securing handguns in vehicles.

Existing law prohibits a person who is 18 years of age or older, and who is the owner, lessee, renter, or other legal occupant of a residence, who owns a firearm and who knows or has reason to know that another person also residing there is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm from keeping a firearm in that residence, unless the firearm is secured, as specified. A violation of this prohibition is a misdemeanor.

This bill would require a person, when leaving a handgun in an unattended vehicle, to secure the handgun by locking it in the trunk of the vehicle, locking it in a locked container and placing the container out of plain view, or locking the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view. The bill would make a violation of these requirements an infraction punishable by a fine not exceeding \$1,000. The bill would expressly make those requirements inapplicable to the transportation of unloaded firearms by a licensed common carrier in conformance with applicable federal law. The bill would also provide that these provisions do not supersede any local ordinance that regulates the storage of handguns in unattended vehicles if the ordinance was in effect before the date of enactment of this bill.

By creating a new crime, 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25140 is added to the Penal Code, to read:

25140. (a) A person shall, when leaving a handgun in an unattended vehicle, lock the handgun in the vehicle's trunk, lock the handgun in a locked container and place the container out of plain view, or lock the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view.

(b) A violation of subdivision (a) is an infraction punishable by a fine not exceeding one thousand dollars (\$1,000).

(c) (1) As used in this section, "vehicle" has the same meaning as specified in Section 670 of the Vehicle Code.

(2) As used in this section, "locked container" has the same meaning as specified in Section 16850.

(3) For purposes of this section, a vehicle is unattended when a person who is lawfully carrying or transporting a handgun in a vehicle is not within close enough proximity to the vehicle to reasonably prevent unauthorized access to the vehicle or its contents.

(d) This section does not apply to a peace officer during circumstances requiring immediate aid or action that are within the course of his or her official duties.

(e) This section does not supersede any local ordinance that regulates the storage of handguns in unattended vehicles if the ordinance was in effect before the date of enactment of the act that added this section.

SEC. 2. Section 25452 is added to the Penal Code, to read:

25452. A peace officer and an honorably retired peace officer shall, when leaving a handgun in an unattended vehicle, secure the handgun in the vehicle pursuant to Section 25140.

SEC. 3. Section 25612 is added to the Penal Code, to read:

25612. A person shall, when leaving a handgun in an unattended vehicle, secure the handgun in the vehicle pursuant to Section 25140.

SEC. 4. Section 25645 of the Penal Code is amended to read:

25645. Sections 25140 and 25400 do not apply to, or affect, the transportation of unloaded firearms by a person operating a licensed common carrier or an authorized agent or employee thereof when the firearms are transported in conformance with applicable federal law.

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