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SB-1382 Firearms: vehicle storage. (2017-2018)

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Senate Bill No. 1382

CHAPTER 94

An act to amend Section 25140 of the Penal Code, relating to firearms.

[Approved by Governor July 09, 2018. Filed with Secretary of State July 09, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1382, Vidak. Firearms: vehicle storage.

Existing law requires a person, when leaving a handgun in an unattended vehicle, to 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.

This bill would additionally authorize locking the handgun in a toolbox or utility box. The bill would define "toolbox or utility box" as a fully enclosed container that is permanently affixed to the bed of a pickup truck or vehicle that does not contain a trunk, and is locked by a padlock, keylock, combination lock, or other similar locking device.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 25140 of the Penal Code is amended to read:

25140. (a) Except as otherwise provided in subdivision (b), 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, lock the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or lock the handgun in a locked toolbox or utility box.

(b) A peace officer, when leaving a handgun in an unattended vehicle not equipped with a trunk, may, if unable to otherwise comply with subdivision (a), lock the handgun out of plain view within the center utility console of that motor vehicle with a padlock, keylock, combination lock, or other similar locking device.

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

(d) (1) As used in this section, the following definitions shall apply:

(A) "Locked container" means a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device. The term "locked container" does not include the utility or glove compartment of a motor vehicle.

(B) "Locked toolbox or utility box" means a fully enclosed container that is permanently affixed to the bed of a pickup truck or vehicle that does not contain a trunk, and is locked by a padlock, keylock, combination lock, or other similar locking device.

(C) "Peace officer" means a sworn officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or a sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of that officer's duties, while that officer is on duty or off duty.

(D) "Trunk" means the fully enclosed and locked main storage or luggage compartment of a vehicle that is not accessible from the passenger compartment. A trunk does not include the rear of a hatchback, station wagon, or sport utility vehicle, any compartment which has a window, or a toolbox or utility box attached to the bed of a pickup truck.

(E) "Vehicle" has the same meaning as specified in Section 670 of the Vehicle Code.

(2) 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.

(3) For purposes of this section, plain view includes any area of the vehicle that is visible by peering through the windows of the vehicle, including windows that are tinted, with or without illumination.

(e) 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.

(f) This section does not supersede any local ordinance that regulates the storage of handguns in unattended vehicles if the ordinance was in effect before September 26, 2016.