

AMENDED IN ASSEMBLY MAY 2, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 144**

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**Introduced by Assembly ~~Member~~ Members Portantino and  
Ammiano  
(Coauthor: Assembly Member Swanson)**

January 13, 2011

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An act to amend Sections 7574.14 and 7582.2 of the Business and Professions Code, and to amend Sections 626.9, 16520, 16750, 16850, 17510, 25595, 25605, 26100, and 29805 of, to add Sections 16950, 17040, 17295, and 25590 to, and to add Chapter 6 (commencing with Section 26350) to Division 5 of Title 4 of Part 6 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 144, as amended, Portantino. Firearms.

Existing law, subject to certain exceptions, makes it an offense to carry a concealed handgun on the person or in a vehicle, as specified. Existing law provides that firearms carried openly in belt holsters are not concealed within the meaning of those provisions.

This bill would establish an exemption to the offense for transportation of a firearm between certain areas where the firearm may be carried concealed, or loaded, or openly carried unloaded, as specified.

Existing law, subject to certain exceptions, makes it an offense to carry a loaded firearm on the person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory.

The bill would, subject to exceptions, make it a misdemeanor to openly carry an unloaded handgun on the person *or openly and exposed in a motor vehicle* in specified public areas *and would make it a misdemeanor with specified penalties to openly carry an exposed handgun in a public place or public street, as specified, if the person at the same time possesses ammunition capable of being discharged from the handgun, and the person is not in lawful possession of the handgun, as specified.*

*Existing law makes it a misdemeanor for any driver or owner of a motor vehicle to allow a person to bring a loaded firearm into the motor vehicle in a public place, as specified.*

*This bill would expand the scope of that crime to include allowing a person to bring an open and exposed unloaded handgun into the vehicle, as specified.*

By creating a new offense, *and expanding the scope of existing crimes*, this bill would impose a state-mandated local program.

The bill would make conforming and nonsubstantive technical changes.

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 7574.14 of the Business and Professions
- 2 Code is amended to read:
- 3 7574.14. This chapter shall not apply to the following:
- 4 (a) An officer or employee of the United States of America, or
- 5 of this state or a political subdivision thereof, while the officer or
- 6 employee is engaged in the performance of his or her official
- 7 duties, including uniformed peace officers employed part time by
- 8 a public agency pursuant to a written agreement between a chief
- 9 of police or sheriff and the public agency, provided the part-time
- 10 employment does not exceed 50 hours in any calendar month.
- 11 (b) A person engaged exclusively in the business of obtaining
- 12 and furnishing information as to the financial rating of persons.

1 (c) A charitable philanthropic society or association incorporated  
2 under the laws of this state that is organized and duly maintained  
3 for the public good and not for private profit.

4 (d) Patrol special police officers appointed by the police  
5 commission of any city, county, or city and county under the  
6 express terms of its charter who also under the express terms of  
7 the charter (1) are subject to suspension or dismissal after a hearing  
8 on charges duly filed with the commission after a fair and impartial  
9 trial, (2) must be not less than 18 years of age nor more than 40  
10 years of age, (3) must possess physical qualifications prescribed  
11 by the commission, and (4) are designated by the police  
12 commission as the owners of a certain beat or territory as may be  
13 fixed from time to time by the police commission.

14 (e) An attorney at law in performing his or her duties as an  
15 attorney at law.

16 (f) A collection agency or an employee thereof while acting  
17 within the scope of his or her employment, while making an  
18 investigation incidental to the business of the agency, including  
19 an investigation of the location of a debtor or his or her property  
20 where the contract with an assignor creditor is for the collection  
21 of claims owed or due or asserted to be owed or due or the  
22 equivalent thereof.

23 (g) Admitted insurers and agents and insurance brokers licensed  
24 by the state, performing duties in connection with insurance  
25 transacted by them.

26 (h) Any bank subject to the jurisdiction of the Commissioner  
27 of Financial Institutions of the State of California under Division  
28 1 (commencing with Section 99) of the Financial Code or the  
29 Comptroller of Currency of the United States.

30 (i) A person engaged solely in the business of securing  
31 information about persons or property from public records.

32 (j) A peace officer of this state or a political subdivision thereof  
33 while the peace officer is employed by a private employer to  
34 engage in off-duty employment in accordance with Section 1126  
35 of the Government Code. However, nothing herein shall exempt  
36 such a peace officer who either contracts for his or her services or  
37 the services of others as a private patrol operator or contracts for  
38 his or her services as or is employed as an armed private security  
39 officer. For purposes of this subdivision, "armed security officer"

1 means an individual who carries or uses a firearm in the course  
2 and scope of that contract or employment.

3 (k) A retired peace officer of the state or political subdivision  
4 thereof when the retired peace officer is employed by a private  
5 employer in employment approved by the chief law enforcement  
6 officer of the jurisdiction where the employment takes place,  
7 provided that the retired officer is in a uniform of a public law  
8 enforcement agency, has registered with the bureau on a form  
9 approved by the director, and has met any training requirements  
10 or their equivalent as established for security personnel under  
11 Section 7583.5. This officer may not carry an unloaded and  
12 exposed handgun unless he or she is exempted under the provisions  
13 of Article 2 (commencing with Section 26361) of Chapter 6 of  
14 Division 5 of Title 4 of Part 6 of the Penal Code, and may not carry  
15 a loaded or concealed firearm unless he or she is exempted under  
16 the provisions of Sections 25450 to 25475, inclusive, of the Penal  
17 Code or Sections 25900 to 25910, inclusive, of the Penal Code or  
18 has met the requirements set forth in subdivision (d) of Section  
19 26030 of the Penal Code. However, nothing herein shall exempt  
20 the retired peace officer who contracts for his or her services or  
21 the services of others as a private patrol operator.

22 (l) A licensed insurance adjuster in performing his or her duties  
23 within the scope of his or her license as an insurance adjuster.

24 (m) Any savings association subject to the jurisdiction of the  
25 Commissioner of Financial Institutions or the Office of Thrift  
26 Supervision.

27 (n) Any secured creditor engaged in the repossession of the  
28 creditor's collateral and any lessor engaged in the repossession of  
29 leased property in which it claims an interest.

30 (o) A peace officer in his or her official police uniform acting  
31 in accordance with subdivisions (c) and (d) of Section 70 of the  
32 Penal Code.

33 (p) An unarmed, uniformed security person employed  
34 exclusively and regularly by a motion picture studio facility  
35 employer who does not provide contract security services for other  
36 entities or persons in connection with the affairs of that employer  
37 only and where there exists an employer-employee relationship if  
38 that person at no time carries or uses any deadly weapon, as defined  
39 in subdivision (a), in the performance of his or her duties, which

1 may include, but are not limited to, the following business  
2 purposes:

3 (1) The screening and monitoring access of employees of the  
4 same employer.

5 (2) The screening and monitoring access of prearranged and  
6 preauthorized invited guests.

7 (3) The screening and monitoring of vendors and suppliers.

8 (4) Patrolling the private property facilities for the safety and  
9 welfare of all who have been legitimately authorized to have access  
10 to the facility.

11 (q) An armored contract carrier operating armored vehicles  
12 pursuant to the authority of the Department of the California  
13 Highway Patrol or the Public Utilities Commission, or an armored  
14 vehicle guard employed by an armored contract carrier.

15 SEC. 2. Section 7582.2 of the Business and Professions Code  
16 is amended to read:

17 7582.2. This chapter does not apply to the following:

18 (a) A person who does not meet the requirements to be a  
19 proprietary private security officer, as defined in Section 7574.1,  
20 and is employed exclusively and regularly by any employer who  
21 does not provide contract security services for other entities or  
22 persons, in connection with the affairs of the employer only and  
23 where there exists an employer-employee relationship if that person  
24 at no time carries or uses any deadly weapon in the performance  
25 of his or her duties. For purposes of this subdivision, “deadly  
26 weapon” is defined to include any instrument or weapon of the  
27 kind commonly known as a blackjack, slungshot, billy, sandclub,  
28 sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any  
29 other firearm, any knife having a blade longer than five inches,  
30 any razor with an unguarded blade and any metal pipe or bar used  
31 or intended to be used as a club.

32 (b) An officer or employee of the United States of America, or  
33 of this state or a political subdivision thereof, while the officer or  
34 employee is engaged in the performance of his or her official  
35 duties, including uniformed peace officers employed part time by  
36 a public agency pursuant to a written agreement between a chief  
37 of police or sheriff and the public agency, provided the part-time  
38 employment does not exceed 50 hours in any calendar month.

39 (c) A person engaged exclusively in the business of obtaining  
40 and furnishing information as to the financial rating of persons.

1 (d) A charitable philanthropic society or association duly  
2 incorporated under the laws of this state that is organized and  
3 maintained for the public good and not for private profit.

4 (e) Patrol special police officers appointed by the police  
5 commission of any city, county, or city and county under the  
6 express terms of its charter who also under the express terms of  
7 the charter (1) are subject to suspension or dismissal after a hearing  
8 on charges duly filed with the commission after a fair and impartial  
9 trial, (2) must be not less than 18 years of age nor more than 40  
10 years of age, (3) must possess physical qualifications prescribed  
11 by the commission, and (4) are designated by the police  
12 commission as the owners of a certain beat or territory as may be  
13 fixed from time to time by the police commission.

14 (f) An attorney at law in performing his or her duties as an  
15 attorney at law.

16 (g) A collection agency or an employee thereof while acting  
17 within the scope of his or her employment, while making an  
18 investigation incidental to the business of the agency, including  
19 an investigation of the location of a debtor or his or her property  
20 where the contract with an assignor creditor is for the collection  
21 of claims owed or due or asserted to be owed or due or the  
22 equivalent thereof.

23 (h) Admitted insurers and agents and insurance brokers licensed  
24 by the state, performing duties in connection with insurance  
25 transacted by them.

26 (i) Any bank subject to the jurisdiction of the Commissioner of  
27 Financial Institutions of the State of California under Division 1  
28 (commencing with Section 99) of the Financial Code or the  
29 Comptroller of Currency of the United States.

30 (j) A person engaged solely in the business of securing  
31 information about persons or property from public records.

32 (k) A peace officer of this state or a political subdivision thereof  
33 while the peace officer is employed by a private employer to  
34 engage in off-duty employment in accordance with Section 1126  
35 of the Government Code. However, nothing herein shall exempt  
36 a peace officer who either contracts for his or her services or the  
37 services of others as a private patrol operator or contracts for his  
38 or her services as or is employed as an armed private security  
39 officer. For purposes of this subdivision, "armed security officer"

1 means an individual who carries or uses a firearm in the course  
2 and scope of that contract or employment.

3 (l) A retired peace officer of the state or political subdivision  
4 thereof when the retired peace officer is employed by a private  
5 employer in employment approved by the chief law enforcement  
6 officer of the jurisdiction where the employment takes place,  
7 provided that the retired officer is in a uniform of a public law  
8 enforcement agency, has registered with the bureau on a form  
9 approved by the director, and has met any training requirements  
10 or their equivalent as established for security personnel under  
11 Section 7583.5. This officer may not carry an unloaded and  
12 exposed handgun unless he or she is exempted under the provisions  
13 of Article 2 (commencing with Section 26361) of Chapter 6 of  
14 Division 5 of Title 4 of Part 6 of the Penal Code, and may not carry  
15 a loaded or concealed firearm unless he or she is exempted under  
16 the provisions of Article 2 (commencing with Section 25450) of  
17 Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code or  
18 Sections 25900 to 25910, inclusive, of the Penal Code or has met  
19 the requirements set forth in subdivision (d) of Section 26030 of  
20 the Penal Code. However, nothing herein shall exempt the retired  
21 peace officer who contracts for his or her services or the services  
22 of others as a private patrol operator.

23 (m) A licensed insurance adjuster in performing his or her duties  
24 within the scope of his or her license as an insurance adjuster.

25 (n) Any savings association subject to the jurisdiction of the  
26 Commissioner of Financial Institutions or the Office of Thrift  
27 Supervision.

28 (o) Any secured creditor engaged in the repossession of the  
29 creditor's collateral and any lessor engaged in the repossession of  
30 leased property in which it claims an interest.

31 (p) A peace officer in his or her official police uniform acting  
32 in accordance with subdivisions (c) and (d) of Section 70 of the  
33 Penal Code.

34 (q) An unarmed, uniformed security person employed  
35 exclusively and regularly by a motion picture studio facility  
36 employer who does not provide contract security services for other  
37 entities or persons in connection with the affairs of that employer  
38 only and where there exists an employer-employee relationship if  
39 that person at no time carries or uses any deadly weapon, as defined  
40 in subdivision (a), in the performance of his or her duties, which

1 may include, but are not limited to, the following business  
2 purposes:

3 (1) The screening and monitoring access of employees of the  
4 same employer.

5 (2) The screening and monitoring access of prearranged and  
6 preauthorized invited guests.

7 (3) The screening and monitoring of vendors and suppliers.

8 (4) Patrolling the private property facilities for the safety and  
9 welfare of all who have been legitimately authorized to have access  
10 to the facility.

11 (r) The changes made to this section by the act adding this  
12 subdivision during the 2005–06 Regular Session of the Legislature  
13 shall apply as follows:

14 (1) On and after July 1, 2006, to a person hired as a security  
15 officer on and after January 1, 2006.

16 (2) On and after January 1, 2007, to a person hired as a security  
17 officer before January 1, 2006.

18 SEC. 3. Section 626.9 of the Penal Code is amended to read:

19 626.9. (a) This section shall be known, and may be cited, as  
20 the Gun-Free School Zone Act of 1995.

21 (b) Any person who possesses a firearm in a place that the  
22 person knows, or reasonably should know, is a school zone, as  
23 defined in paragraph (1) of subdivision (e), unless it is with the  
24 written permission of the school district superintendent, his or her  
25 designee, or equivalent school authority, shall be punished as  
26 specified in subdivision (f).

27 (c) Subdivision (b) does not apply to the possession of a firearm  
28 under any of the following circumstances:

29 (1) Within a place of residence or place of business or on private  
30 property, if the place of residence, place of business, or private  
31 property is not part of the school grounds and the possession of  
32 the firearm is otherwise lawful.

33 (2) When the firearm is an unloaded pistol, revolver, or other  
34 firearm capable of being concealed on the person and is in a locked  
35 container or within the locked trunk of a motor vehicle.

36 This section does not prohibit or limit the otherwise lawful  
37 transportation of any other firearm, other than a pistol, revolver,  
38 or other firearm capable of being concealed on the person, in  
39 accordance with state law.

1 (3) When the person possessing the firearm reasonably believes  
2 that he or she is in grave danger because of circumstances forming  
3 the basis of a current restraining order issued by a court against  
4 another person or persons who has or have been found to pose a  
5 threat to his or her life or safety. This subdivision may not apply  
6 when the circumstances involve a mutual restraining order issued  
7 pursuant to Division 10 (commencing with Section 6200) of the  
8 Family Code absent a factual finding of a specific threat to the  
9 person's life or safety. Upon a trial for violating subdivision (b),  
10 the trier of a fact shall determine whether the defendant was acting  
11 out of a reasonable belief that he or she was in grave danger.

12 (4) When the person is exempt from the prohibition against  
13 carrying a concealed firearm pursuant to Section 25615, 25625,  
14 25630, or 25645.

15 (d) Except as provided in subdivision (b), it shall be unlawful  
16 for any person, with reckless disregard for the safety of another,  
17 to discharge, or attempt to discharge, a firearm in a school zone,  
18 as defined in paragraph (1) of subdivision (e).

19 The prohibition contained in this subdivision does not apply to  
20 the discharge of a firearm to the extent that the conditions of  
21 paragraph (1) of subdivision (c) are satisfied.

22 (e) As used in this section, the following definitions shall apply:

23 (1) "School zone" means an area in, or on the grounds of, a  
24 public or private school providing instruction in kindergarten or  
25 grades 1 to 12, inclusive, or within a distance of 1,000 feet from  
26 the grounds of the public or private school.

27 (2) "Firearm" has the same meaning as that term is given in  
28 subdivisions (a) to (d), inclusive, of Section 16520.

29 (3) "Locked container" has the same meaning as that term is  
30 given in Section 16850.

31 (4) "Concealed firearm" has the same meaning as that term is  
32 given in Sections 25400 and 25610.

33 (f) (1) Any person who violates subdivision (b) by possessing  
34 a firearm in, or on the grounds of, a public or private school  
35 providing instruction in kindergarten or grades 1 to 12, inclusive,  
36 shall be punished by imprisonment in the state prison for two,  
37 three, or five years.

38 (2) Any person who violates subdivision (b) by possessing a  
39 firearm within a distance of 1,000 feet from the grounds of a public

1 or private school providing instruction in kindergarten or grades  
2 1 to 12, inclusive, shall be punished as follows:

3 (A) By imprisonment in the state prison for two, three, or five  
4 years, if any of the following circumstances apply:

5 (i) If the person previously has been convicted of any felony,  
6 or of any crime made punishable by any provision listed in Section  
7 16580.

8 (ii) If the person is within a class of persons prohibited from  
9 possessing or acquiring a firearm pursuant to Chapter 2  
10 (commencing with Section 29800) or Chapter 3 (commencing with  
11 Section 29900) of Division 9 of Title 4 of Part 6 of this code or  
12 Section 8100 or 8103 of the Welfare and Institutions Code.

13 (iii) If the firearm is any pistol, revolver, or other firearm capable  
14 of being concealed upon the person and the offense is punished as  
15 a felony pursuant to Section 25400.

16 (B) By imprisonment in a county jail for not more than one year  
17 or by imprisonment in the state prison for two, three, or five years,  
18 in all cases other than those specified in subparagraph (A).

19 (3) Any person who violates subdivision (d) shall be punished  
20 by imprisonment in the state prison for three, five, or seven years.

21 (g) (1) Every person convicted under this section for a  
22 misdemeanor violation of subdivision (b) who has been convicted  
23 previously of a misdemeanor offense enumerated in Section 23515  
24 shall be punished by imprisonment in a county jail for not less  
25 than three months, or if probation is granted or if the execution or  
26 imposition of sentence is suspended, it shall be a condition thereof  
27 that he or she be imprisoned in a county jail for not less than three  
28 months.

29 (2) Every person convicted under this section of a felony  
30 violation of subdivision (b) or (d) who has been convicted  
31 previously of a misdemeanor offense enumerated in Section 23515,  
32 if probation is granted or if the execution of sentence is suspended,  
33 it shall be a condition thereof that he or she be imprisoned in a  
34 county jail for not less than three months.

35 (3) Every person convicted under this section for a felony  
36 violation of subdivision (b) or (d) who has been convicted  
37 previously of any felony, or of any crime made punishable by any  
38 provision listed in Section 16580, if probation is granted or if the  
39 execution or imposition of sentence is suspended, it shall be a

1 condition thereof that he or she be imprisoned in a county jail for  
2 not less than three months.

3 (4) The court shall apply the three-month minimum sentence  
4 specified in this subdivision, except in unusual cases where the  
5 interests of justice would best be served by granting probation or  
6 suspending the execution or imposition of sentence without the  
7 minimum imprisonment required in this subdivision or by granting  
8 probation or suspending the execution or imposition of sentence  
9 with conditions other than those set forth in this subdivision, in  
10 which case the court shall specify on the record and shall enter on  
11 the minutes the circumstances indicating that the interests of justice  
12 would best be served by this disposition.

13 (h) Notwithstanding Section 25605, any person who brings or  
14 possesses a loaded firearm upon the grounds of a campus of, or  
15 buildings owned or operated for student housing, teaching,  
16 research, or administration by, a public or private university or  
17 college, that are contiguous or are clearly marked university  
18 property, unless it is with the written permission of the university  
19 or college president, his or her designee, or equivalent university  
20 or college authority, shall be punished by imprisonment in the state  
21 prison for two, three, or four years. Notwithstanding subdivision  
22 (k), a university or college shall post a prominent notice at primary  
23 entrances on noncontiguous property stating that firearms are  
24 prohibited on that property pursuant to this subdivision.

25 (i) Notwithstanding Section 25605, any person who brings or  
26 possesses a firearm upon the grounds of a campus of, or buildings  
27 owned or operated for student housing, teaching, research, or  
28 administration by, a public or private university or college, that  
29 are contiguous or are clearly marked university property, unless  
30 it is with the written permission of the university or college  
31 president, his or her designee, or equivalent university or college  
32 authority, shall be punished by imprisonment in the state prison  
33 for one, two, or three years. Notwithstanding subdivision (k), a  
34 university or college shall post a prominent notice at primary  
35 entrances on noncontiguous property stating that firearms are  
36 prohibited on that property pursuant to this subdivision.

37 (j) For purposes of this section, a firearm shall be deemed to be  
38 loaded when there is an unexpended cartridge or shell, consisting  
39 of a case that holds a charge of powder and a bullet or shot, in, or  
40 attached in any manner to, the firearm, including, but not limited

1 to, in the firing chamber, magazine, or clip thereof attached to the  
2 firearm. A muzzle-loader firearm shall be deemed to be loaded  
3 when it is capped or primed and has a powder charge and ball or  
4 shot in the barrel or cylinder.

5 (k) This section does not require that notice be posted regarding  
6 the proscribed conduct.

7 (l) This section does not apply to a duly appointed peace officer  
8 as defined in Chapter 4.5 (commencing with Section 830) of Title  
9 3 of Part 2, a full-time paid peace officer of another state or the  
10 federal government who is carrying out official duties while in  
11 California, any person summoned by any of these officers to assist  
12 in making arrests or preserving the peace while he or she is actually  
13 engaged in assisting the officer, a member of the military forces  
14 of this state or of the United States who is engaged in the  
15 performance of his or her duties, a person holding a valid license  
16 to carry the firearm pursuant to Chapter 4 (commencing with  
17 Section 26150) of Division 5 of Title 4 of Part 6, or an armored  
18 vehicle guard, engaged in the performance of his or her duties, as  
19 defined in subdivision (e) of Section 7521 of the Business and  
20 Professions Code.

21 (m) (1) This section does not apply to a security guard  
22 authorized to carry a loaded firearm pursuant to Article 4  
23 (commencing with Section 26000) of Chapter 3 of Division 5 of  
24 Title 4 of Part 6.

25 (2) This section does not apply to a security guard authorized  
26 to openly carry an unloaded handgun pursuant to Chapter 6  
27 (commencing with Section 26350) of Division 5 of Title 4 of Part  
28 6.

29 (n) This section does not apply to an existing shooting range at  
30 a public or private school or university or college campus.

31 (o) This section does not apply to an honorably retired peace  
32 officer authorized to carry a concealed or loaded firearm pursuant  
33 to any of the following:

34 (1) Article 2 (commencing with Section 25450) of Chapter 2  
35 of Division 5 of Title 4 of Part 6.

36 (2) Section 25650.

37 (3) Sections 25900 to 25910, inclusive.

38 (4) Section 26020.

1 (p) This section does not apply to an honorably retired peace  
2 officer authorized to openly carry an unloaded handgun pursuant  
3 to Section 26361.

4 SEC. 4. Section 16520 of the Penal Code is amended to read:

5 16520. (a) As used in this part, “firearm” means any device,  
6 designed to be used as a weapon, from which is expelled through  
7 a barrel, a projectile by the force of any explosion or other form  
8 of combustion.

9 (b) As used in the following provisions, “firearm” includes the  
10 frame or receiver of the weapon:

11 (1) Section 16550.

12 (2) Section 16730.

13 (3) Section 16960.

14 (4) Section 16990.

15 (5) Section 17070.

16 (6) Section 17310.

17 (7) Sections 26500 to 26588, inclusive.

18 (8) Sections 26600 to 27140, inclusive.

19 (9) Sections 27400 to 28000, inclusive.

20 (10) Section 28100.

21 (11) Sections 28400 to 28415, inclusive.

22 (12) Sections 29010 to 29150, inclusive.

23 (13) Sections 29610 to 29750, inclusive.

24 (14) Sections 29800 to 29905, inclusive.

25 (15) Sections 30150 to 30165, inclusive.

26 (16) Section 31615.

27 (17) Sections 31705 to 31830, inclusive.

28 (18) Sections 34355 to 34370, inclusive.

29 (19) Sections 8100, 8101, and 8103 of the Welfare and  
30 Institutions Code.

31 (c) As used in the following provisions, “firearm” also includes  
32 any rocket, rocket propelled projectile launcher, or similar device  
33 containing any explosive or incendiary material whether or not  
34 the device is designed for emergency or distress signaling purposes:

35 (1) Section 16750.

36 (2) Subdivision (b) of Section 16840.

37 (3) Section 25400.

38 (4) Sections 25850 to 26025, inclusive.

39 (5) Subdivisions (a), (b), and (c) of Section 26030.

40 (6) Sections 26035 to 26055, inclusive.

1 (d) As used in the following provisions, “firearm” does not  
2 include an unloaded antique firearm:

3 (1) Subdivisions (a) and (c) of Section 16730.

4 (2) Section 16550.

5 (3) Section 16960.

6 (4) Section 17310.

7 (5) Chapter 6 (commencing with Section 26350) of Division 5  
8 of Title 4.

9 (6) Sections 26500 to 26588, inclusive.

10 (7) Sections 26700 to 26915, inclusive.

11 (8) Section 27510.

12 (9) Section 27530.

13 (10) Section 27540.

14 (11) Section 27545.

15 (12) Sections 27555 to 27570, inclusive.

16 (13) Sections 29010 to 29150, inclusive.

17 (e) As used in Sections 34005 and 34010, “firearm” does not  
18 include a destructive device.

19 (f) As used in Sections 17280 and 24680, “firearm” has the  
20 same meaning as in Section 922 of Title 18 of the United States  
21 Code.

22 (g) As used in Sections 29010 to 29150, inclusive, “firearm”  
23 includes the unfinished frame or receiver of a weapon that can be  
24 readily converted to the functional condition of a finished frame  
25 or receiver.

26 *SEC. 5. Section 16750 of the Penal Code is amended to read:*

27 16750. (a) As used in Section 25400, “lawful possession of  
28 the firearm” means that the person who has possession or custody  
29 of the firearm either lawfully owns the firearm or has the  
30 permission of the lawful owner or a person who otherwise has  
31 apparent authority to possess or have custody of the firearm. A  
32 person who takes a firearm without the permission of the lawful  
33 owner or without the permission of a person who has lawful  
34 custody of the firearm does not have lawful possession of the  
35 firearm.

36 (b) As used in Article 2 (commencing with Section 25850),  
37 Article 3 (commencing with Section 25900), and Article 4  
38 (commencing with Section 26000) of Chapter 3 of Division 5 of  
39 Title 4, and Chapter 6 (commencing with Section 26350) of  
40 Division 5 of Title 4, “lawful possession of the firearm” means

1 that the person who has possession or custody of the firearm either  
2 lawfully acquired and lawfully owns the firearm or has the  
3 permission of the lawful owner or person who otherwise has  
4 apparent authority to possess or have custody of the firearm. A  
5 person who takes a firearm without the permission of the lawful  
6 owner or without the permission of a person who has lawful  
7 custody of the firearm does not have lawful possession of the  
8 firearm.

9 *SEC. 6. Section 16850 of the Penal Code is amended to read:*

10 16850. As used in Sections 17740, 23925, 25105, 25205, and  
11 25610, ~~and~~ in Article 3 (commencing with Section 25505) of  
12 Chapter 2 of Division 5 of Title 4, *and in Chapter 6 (commencing*  
13 *with Section 26350) of Division 5 of Title 4*, “locked container”  
14 means a secure container that is fully enclosed and locked by a  
15 padlock, keylock, combination lock, or similar locking device.  
16 The term “locked container” does not include the utility or glove  
17 compartment of a motor vehicle.

18 *SEC. 7. Section 16950 is added to the Penal Code, to read:*

19 16950. As used in Section 17510 and Chapter 6 (commencing  
20 with Section 26350) of Division 5 of Title 4, a handgun shall be  
21 deemed to be carried openly or exposed if the handgun is not  
22 carried concealed within the meaning of Section 25400.

23 ~~SEC. 5.~~

24 *SEC. 8. Section 17040 is added to the Penal Code, to read:*

25 17040. As used in Chapter 6 (commencing with Section 26350)  
26 of Division 5 of Title 4, “public place” has the same meaning as  
27 in Section 25850.

28 ~~SEC. 6.~~

29 *SEC. 9. Section 17295 is added to the Penal Code, to read:*

30 17295. For purposes of Chapter 6 (commencing with Section  
31 26350) of Division 5 of Title 4, a handgun shall be deemed  
32 “unloaded” if it is not “loaded” within the meaning of subdivision  
33 (b) of Section 16840.

34 ~~SEC. 7.~~

35 *SEC. 10. Section 17510 of the Penal Code is amended to read:*

36 17510. (a) Any person who does any of the following acts  
37 while engaged in picketing, or other informational activities in a  
38 public place relating to a concerted refusal to work, is guilty of a  
39 misdemeanor:

- 1 (1) Carries concealed upon the person, or within any vehicle  
 2 which is under the person’s control or direction, any pistol,  
 3 revolver, or other firearm capable of being concealed upon the  
 4 person.
- 5 (2) Carries a loaded firearm upon the person or within any  
 6 vehicle that is under the person’s control or direction.
- 7 (3) Carries a deadly weapon.
- 8 (4) Openly carries an unloaded handgun upon the person ~~outside~~  
 9 ~~of a vehicle.~~
- 10 (5) *Openly carries an unloaded handgun within any vehicle that*  
 11 *is under the person’s direction or control.*
- 12 (b) This section shall not be construed to authorize or ratify any  
 13 picketing or other informational activities not otherwise authorized  
 14 by law.
- 15 (c) The following provisions shall not be construed to authorize  
 16 any conduct described in paragraph (1) of subdivision (a):
- 17 (1) Article 2 (commencing with Section 25450) of Chapter 2  
 18 of Division 5 of Title 4.
- 19 (2) Sections 25615 to 25655, inclusive.
- 20 (d) Sections 25900 to 26020, inclusive, shall not be construed  
 21 to authorize any conduct described in paragraph (2) of subdivision  
 22 (a).
- 23 (e) Article 2 (commencing with Section 26361) of Chapter 6 of  
 24 Division 5 of Title 4 shall not be construed to authorize any conduct  
 25 described in paragraph (4) *or (5)* of subdivision (a).
- 26 ~~SEC. 8:~~
- 27 *SEC. 11.* Section 25590 is added to the Penal Code, to read:  
 28 25590. Section 25400 does not apply to, or affect, the  
 29 transportation of a firearm by a person if done directly between  
 30 any of the places set forth below:
- 31 (a) A place where the person may carry that firearm pursuant  
 32 to an exemption from the prohibition set forth in subdivision (a)  
 33 of Section 25400.
- 34 (b) A place where that person may carry that firearm pursuant  
 35 to an exemption from the prohibition set forth in subdivision (a)  
 36 of Section 25850, or a place where the prohibition set forth in  
 37 subdivision (a) of Section 25850 does not apply.
- 38 (c) A place where that person may carry a firearm pursuant to  
 39 an exemption from the prohibition set forth in subdivision (a) of

1 Section 26350, or a place where the prohibition set forth in  
2 subdivision (a) of Section 26350 does not apply.

3 ~~SEC. 9.~~

4 *SEC. 12.* Section 25595 of the Penal Code is amended to read:

5 25595. This article does not prohibit or limit the otherwise  
6 lawful carrying or transportation of any handgun in accordance  
7 with the provisions listed in Section 16580.

8 ~~SEC. 10.~~

9 *SEC. 13.* Section 25605 of the Penal Code is amended to read:

10 25605. (a) Section 25400 and Chapter 6 (commencing with  
11 Section 26350) of Division 5 shall not apply to or affect any citizen  
12 of the United States or legal resident over the age of 18 years who  
13 resides or is temporarily within this state, and who is not within  
14 the excepted classes prescribed by Chapter 2 (commencing with  
15 Section 29800) or Chapter 3 (commencing with Section 29900)  
16 of Division 9 of this title, or Section 8100 or 8103 of the Welfare  
17 and Institutions Code, who carries, either openly or concealed,  
18 anywhere within the citizen's or legal resident's place of residence,  
19 place of business, or on private property owned or lawfully  
20 possessed by the citizen or legal resident, any handgun.

21 (b) No permit or license to purchase, own, possess, keep, or  
22 carry, either openly or concealed, shall be required of any citizen  
23 of the United States or legal resident over the age of 18 years who  
24 resides or is temporarily within this state, and who is not within  
25 the excepted classes prescribed by Chapter 2 (commencing with  
26 Section 29800) or Chapter 3 (commencing with Section 29900)  
27 of Division 9 of this title, or Section 8100 or 8103 of the Welfare  
28 and Institutions Code, to purchase, own, possess, keep, or carry,  
29 either openly or concealed, a handgun within the citizen's or legal  
30 resident's place of residence, place of business, or on private  
31 property owned or lawfully possessed by the citizen or legal  
32 resident.

33 (c) Nothing in this section shall be construed as affecting the  
34 application of Sections 25850 to 26055, inclusive.

35 *SEC. 14.* Section 26100 of the Penal Code is amended to read:

36 26100. (a) It is a misdemeanor for a driver of any motor vehicle  
37 or the owner of any motor vehicle, whether or not the owner of  
38 the vehicle is occupying the vehicle, to knowingly to permit any  
39 other person to carry into or bring into the vehicle a firearm in

1 violation of Section 25850 or Section 26350 of this code or Section  
2 2006 of the Fish and Game Code.

3 (b) Any driver or owner of any vehicle, whether or not the owner  
4 of the vehicle is occupying the vehicle, who knowingly permits  
5 any other person to discharge any firearm from the vehicle is  
6 punishable by imprisonment in the county jail for not more than  
7 one year or in state prison for 16 months or two or three years.

8 (c) Any person who willfully and maliciously discharges a  
9 firearm from a motor vehicle at another person other than an  
10 occupant of a motor vehicle is guilty of a felony punishable by  
11 imprisonment in state prison for three, five, or seven years.

12 (d) Except as provided in Section 3002 of the Fish and Game  
13 Code, any person who willfully and maliciously discharges a  
14 firearm from a motor vehicle is guilty of a public offense  
15 punishable by imprisonment in the county jail for not more than  
16 one year or in the state prison.

17 ~~SEC. 11.~~

18 *SEC. 15.* Chapter 6 (commencing with Section 26350) is added  
19 to Division 5 of Title 4 of Part 6 of the Penal Code, to read:

20

21 CHAPTER 6. OPENLY CARRYING AN UNLOADED HANDGUN

22

23 Article 1. Crime of Openly Carrying an Unloaded Handgun

24

25 26350. (a) (1) A person is guilty of openly carrying an  
26 unloaded handgun when that person carries upon his or her person  
27 an exposed and unloaded handgun outside a vehicle while in or  
28 on any of the following:

29 ~~(1)~~

30 (A) A public place or public street in an incorporated city or  
31 city and county.

32 ~~(2)~~

33 (B) A public street in a prohibited area of an unincorporated  
34 area of a county or city and county.

35 ~~(3)~~

36 (C) A public place in a prohibited area of a county or city and  
37 county.

38 (2) *A person is guilty of openly carrying an unloaded handgun*  
39 *when that person carries an exposed and unloaded handgun inside*

1 *or on a vehicle, whether or not on his or her person, while in or*  
2 *on any of the following:*

3 *(A) A public place or public street in an incorporated city or*  
4 *city and county.*

5 *(B) A public street in a prohibited area of an unincorporated*  
6 *area of a county or city and county.*

7 *(C) A public place in a prohibited area of a county or city and*  
8 *county.*

9 (b) (1) Except as specified in paragraph (2), a violation of this  
10 section is a misdemeanor.

11 ~~(2) A violation of paragraph (1) of subdivision (a), if the~~  
12 ~~handgun and unexpended ammunition capable of being discharged~~  
13 ~~from that firearm are in the immediate possession of the person,~~  
14 ~~and the person is not listed as the registered owner of the firearm~~  
15 ~~with the Department of Justice pursuant to Section 11106, is~~  
16 ~~punishable by imprisonment in a county jail not to exceed one~~  
17 ~~year, or by a fine not to exceed one thousand dollars (\$1,000), or~~  
18 ~~by both that fine and imprisonment.~~

19 *(2) A violation of subparagraph (A) of paragraph (1) of*  
20 *subdivision (a) is punishable by imprisonment in a county jail not*  
21 *exceeding one year, or by a fine not to exceed one thousand dollars*  
22 *(\$1,000), or by both that fine and imprisonment, if both of the*  
23 *following conditions exist:*

24 *(A) The handgun and unexpended ammunition capable of being*  
25 *discharged from that handgun are in the immediate possession of*  
26 *that person.*

27 *(B) The person is not in lawful possession of that handgun.*

28 (c) (1) Nothing in this section shall preclude prosecution under  
29 Chapter 2 (commencing with Section 29800) or Chapter 3  
30 (commencing with Section 29900) of Division 9, Section 8100 or  
31 8103 of the Welfare and Institutions Code, or any other law with  
32 a penalty greater than is set forth in this section.

33 (2) The provisions of this section are cumulative and shall not  
34 be construed as restricting the application of any other law.  
35 However, an act or omission punishable in different ways by  
36 different provisions of law shall not be punished under more than  
37 one provision.

38 (d) Notwithstanding the fact that the term “an unloaded  
39 handgun” is used in this section, each handgun shall constitute a  
40 distinct and separate offense under this section.

## Article 2. Exemptions

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26361. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by any peace officer or any honorably retired peace officer if that officer may carry a concealed firearm pursuant to Article 2 (commencing with Section 25450) of Chapter 2, or a loaded firearm pursuant to Article 3 (commencing with Section 25900) of Chapter 3.

26362. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by any person to the extent that person may ~~carry a loaded firearm~~ *openly carry a loaded handgun* pursuant to Article 4 (commencing with Section 26000) of Chapter 3.

26363. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun as merchandise by a person who is engaged in the business of manufacturing, importing, wholesaling, repairing, or dealing in firearms and who is licensed to engage in that business, or the authorized representative or authorized agent of that person, while engaged in the lawful course of the business.

26364. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a duly authorized military or civil organization, or the members thereof, while parading or while rehearsing or practicing parading, when at the meeting place of the organization.

~~Section~~ *Paragraph (1) of subdivision (a) of Section* 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a member of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while the members are using handguns upon the target ranges or incident to the use of a handgun at that target range.

26366. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a licensed hunter while engaged in hunting or while transporting that handgun when going to or returning from that hunting expedition.

26367. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to transportation of a handgun by a person operating a licensed common carrier, or by

1 an authorized agent or employee thereof, when transported in  
2 conformance with applicable federal law.

3 26368. Section 26350 does not apply to, or affect, the open  
4 carrying of an unloaded handgun by a member of an organization  
5 chartered by the Congress of the United States or a nonprofit  
6 mutual or public benefit corporation organized and recognized as  
7 a nonprofit tax-exempt organization by the Internal Revenue  
8 Service while on official parade duty or ceremonial occasions of  
9 that organization or while rehearsing or practicing for official  
10 parade duty or ceremonial occasions.

11 26369. ~~Section Paragraph (1) of subdivision (a) of Section~~  
12 26350 does not apply to, or affect, the open carrying of an unloaded  
13 handgun within a gun show conducted pursuant to Article 1  
14 (commencing with Section 27200) and Article 2 (commencing  
15 with Section 27300) of Chapter 3 of Division 6.

16 26370. Section 26350 does not apply to, or affect, the open  
17 carrying of an unloaded handgun within a school zone, as defined  
18 in Section 626.9, with the written permission of the school district  
19 superintendent, the superintendent's designee, or equivalent school  
20 authority.

21 26371. Section 26350 does not apply to, or affect, the open  
22 carrying of an unloaded handgun when in accordance with the  
23 provisions of Section 171b.

24 26372. Section 26350 does not apply to, or affect, the open  
25 carrying of an unloaded handgun by any person while engaged in  
26 the act of making or attempting to make a lawful arrest.

27 26373. Section 26350 does not apply to, or affect, the open  
28 carrying of an unloaded handgun incident to loaning, selling, or  
29 transferring that handgun in accordance with Article 1  
30 (commencing with Section 27500) of Chapter 4 of Division 6, or  
31 in accordance with any of the exemptions from Section 27545, so  
32 long as that handgun is possessed within private property and the  
33 possession and carrying is with the permission of the owner or  
34 lessee of that private property.

35 26374. Section 26350 does not apply to, or affect, the open  
36 carrying of an unloaded handgun by a person engaged in  
37 firearms-related activities, while on the premises of a fixed place  
38 of business that is licensed to conduct and conducts, as a regular  
39 course of its business, activities related to the sale, making, repair,  
40 transfer, pawn, or the use of firearms, or related to firearms training.

1 26375. Section 26350 does not apply to, or affect, the open  
2 carrying of an unloaded handgun by an authorized participant in,  
3 or an authorized employee or agent of a supplier of firearms for,  
4 a motion picture, television or video production, or entertainment  
5 event, when the participant lawfully uses the handgun as part of  
6 that production or event, as part of rehearsing or practicing for  
7 participation in that production or event, or while the participant  
8 or authorized employee or agent is at that production or event, or  
9 rehearsal or practice for that production or event.

10 26376. ~~Section Paragraph (1) of subdivision (a) of Section~~  
11 26350 does not apply to, or affect, the open carrying of an unloaded  
12 handgun incident to obtaining an identification number or mark  
13 assigned for that handgun from the Department of Justice pursuant  
14 to Section 23910.

15 26377. ~~Section Paragraph (1) of subdivision (a) of Section~~  
16 26350 does not apply to, or affect, the open carrying of an unloaded  
17 handgun at any established target range, whether public or private,  
18 while the person is using the handgun upon the target range.

19 26378. Section 26350 does not apply to, or affect, the open  
20 carrying of an unloaded handgun by a person when that person is  
21 summoned by a peace officer to assist in making arrests or  
22 preserving the peace, while the person is actually engaged in  
23 assisting that officer.

24 26379. ~~Section Paragraph (1) of subdivision (a) of Section~~  
25 26350 does not apply to, or affect, the open carrying of an unloaded  
26 handgun incident to any of the following:

27 (a) Complying with Section 27560 or 27565, as it pertains to  
28 that handgun.

29 (b) Section 28000, as it pertains to that handgun.

30 (c) Section 27850 or 31725, as it pertains to that handgun.

31 (d) Complying with Section 27870 or 27875, as it pertains to  
32 that handgun.

33 (e) Complying with Section 27915, 27920, or 27925, as it  
34 pertains to that handgun.

35 26380. Section 26350 does not apply to, or affect, the open  
36 carrying of an unloaded handgun incident to, and in the course and  
37 scope of, training of or by an individual to become a sworn peace  
38 officer as part of a course of study approved by the Commission  
39 on Peace Officer Standards and Training.

1 26381. Section 26350 does not apply to, or affect, the open  
2 carrying of an unloaded handgun incident to, and in the course and  
3 scope of, training of or by an individual to become licensed  
4 pursuant to Chapter 4 (commencing with Section 26150) as part  
5 of a course of study necessary or authorized by the person  
6 authorized to issue the license pursuant to that chapter.

7 26382. Section 26350 does not apply to, or affect, the open  
8 carrying of an unloaded handgun incident to and at the request of  
9 a sheriff or chief or other head of a municipal police department.

10 26383. Section 26350 does not apply to, or affect, the open  
11 carrying of an unloaded handgun by a person when done within a  
12 place of business, a place of residence, or on private property, if  
13 done with the permission of a person who, by virtue of subdivision  
14 (a) of Section 25605, may carry openly an unloaded handgun  
15 within that place of business, place of residence, or on that private  
16 property owned or lawfully possessed by that person.

17 26384. ~~Section~~ *Paragraph (1) of subdivision (a) of Section*  
18 26350 does not apply to, or affect, the open carrying of an unloaded  
19 handgun if all of the following conditions are satisfied:

20 (a) The open carrying occurs at an auction or similar event of  
21 a nonprofit public benefit or mutual benefit corporation, at which  
22 firearms are auctioned or otherwise sold to fund the activities of  
23 that corporation or the local chapters of that corporation.

24 (b) The unloaded handgun is to be auctioned or otherwise sold  
25 for that nonprofit public benefit or mutual benefit corporation.

26 (c) The unloaded handgun is to be delivered by a person licensed  
27 pursuant to, and operating in accordance with, Sections 26700 to  
28 26925, inclusive.

29 26385. Section 26350 does not apply to, or affect, the open  
30 carrying of an unloaded handgun pursuant to paragraph (3) of  
31 subdivision (b) of Section 171c.

32 26386. Section 26350 does not apply to, or affect, the open  
33 carrying of an unloaded handgun pursuant to Section 171d.

34 26387. Section 26350 does not apply to, or affect, the open  
35 carrying of an unloaded handgun pursuant to subparagraph (F) of  
36 paragraph (1) subdivision (c) of Section 171.7.

37 26388. Section 26350 does not apply to, or affect, the open  
38 carrying of an unloaded handgun on publicly owned land, if the  
39 possession and use of a handgun is specifically permitted by the  
40 managing agency of the land and the person carrying that handgun

1 ~~is listed as the registered owner of that handgun with the~~  
2 ~~Department of Justice pursuant to Section 11106. *is in lawful*~~  
3 ~~*possession of that handgun.*~~

4 ~~26389. Section 26350 does not apply to, or affect, the open~~  
5 ~~carrying of an unloaded handgun if all of the following apply:~~

6 ~~(a) The handgun is carried on a public street or in a public place~~  
7 ~~in a prohibited area of an unincorporated area of a county or city~~  
8 ~~and county that is less than 200,000 persons according to the most~~  
9 ~~recent federal decennial census.~~

10 ~~(b) The person carrying that handgun is listed as the registered~~  
11 ~~owner of that handgun with the Department of Justice pursuant to~~  
12 ~~Section 11106.~~

13 ~~(c) The area where that person is carrying that handgun is not~~  
14 ~~a public street or a public place in a prohibited area of an~~  
15 ~~unincorporated territory of a county where that unincorporated~~  
16 ~~territory is completely bordered by an incorporated city.~~

17 ~~26389. Section 26350 does not apply to, or affect, the carrying~~  
18 ~~of an unloaded handgun if the handgun is carried either in the~~  
19 ~~locked trunk of a motor vehicle or in a locked container.~~

20 ~~SEC. 12.~~

21 ~~SEC. 16.~~ Section 29805 of the Penal Code is amended to read:

22 29805. Except as provided in Section 29855 or subdivision (a)  
23 of Section 29800, any person who has been convicted of a  
24 misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140,  
25 subdivision (d) of Section 148, Section 171b, *paragraph (1) of*  
26 *subdivision (a) of Section 171c*, 171d, 186.28, 240, 241, 242, 243,  
27 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6,  
28 422, 626.9, 646.9, or 830.95, subdivision (a) of former Section  
29 12100, as that section read at any time from when it was enacted  
30 by Section 3 of Chapter 1386 of the Statutes of 1988 to when it  
31 was repealed by Section 18 of Chapter 23 of the Statutes of 1994,  
32 Section 17500, paragraph (1), (2) or (3) of subdivision (a) of  
33 Section 17510, Section 25300, 25800, 30315, or 32625, subdivision  
34 (b) or (d) of Section 26100, or Section 27510, or Section 8100,  
35 8101, or 8103 of the Welfare and Institutions Code, any  
36 firearm-related offense pursuant to Sections 871.5 and 1001.5 of  
37 the Welfare and Institutions Code, or of the conduct punished in  
38 subdivision (c) of Section 27590, and who, within 10 years of the  
39 conviction, owns, purchases, receives, or has in possession or under  
40 custody or control, any firearm is guilty of a public offense, which

1 shall be punishable by imprisonment in a county jail not exceeding  
2 one year or in the state prison, by a fine not exceeding one thousand  
3 dollars (\$1,000), or by both that imprisonment and fine. The court,  
4 on forms prescribed by the Department of Justice, shall notify the  
5 department of persons subject to this section. However, the  
6 prohibition in this section may be reduced, eliminated, or  
7 conditioned as provided in Section 29855 or 29860.

8 ~~SEC. 13.~~

9 *SEC. 17.* No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution because  
11 the only costs that may be incurred by a local agency or school  
12 district will be incurred because this act creates a new crime or  
13 infraction, eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section 17556 of  
15 the Government Code, or changes the definition of a crime within  
16 the meaning of Section 6 of Article XIII B of the California  
17 Constitution.

O