

AMENDED IN SENATE JUNE 1, 2011

AMENDED IN ASSEMBLY MAY 2, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 144

Introduced by Assembly Members Portantino and Ammiano
(Coauthor: ~~Assembly Member Swanson~~ Coauthors: Assembly
Members Huffman and Swanson)
(Coauthor: Senator De León)

January 13, 2011

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~~ and 25605 of, to add Sections 626.92, 16950, 17040, 17295, 17512, 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 prohibits, with exceptions, a person from possessing a firearm in a place that the person knows or reasonably should know is a school zone, as defined.

This bill would additionally exempt a security guard authorized to openly carry an unloaded handgun and an honorably retired peace officer authorized to openly carry an unloaded handgun from that prohibition.

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:

- 1 (a) An officer or employee of the United States of America, or
2 of this state or a political subdivision thereof, while the officer or
3 employee is engaged in the performance of his or her official
4 duties, including uniformed peace officers employed part time by
5 a public agency pursuant to a written agreement between a chief
6 of police or sheriff and the public agency, provided the part-time
7 employment does not exceed 50 hours in any calendar month.
- 8 (b) A person engaged exclusively in the business of obtaining
9 and furnishing information as to the financial rating of persons.
- 10 (c) A charitable philanthropic society or association incorporated
11 under the laws of this state that is organized and duly maintained
12 for the public good and not for private profit.
- 13 (d) Patrol special police officers appointed by the police
14 commission of any city, county, or city and county under the
15 express terms of its charter who also under the express terms of
16 the charter (1) are subject to suspension or dismissal after a hearing
17 on charges duly filed with the commission after a fair and impartial
18 trial, (2) must be not less than 18 years of age nor more than 40
19 years of age, (3) must possess physical qualifications prescribed
20 by the commission, and (4) are designated by the police
21 commission as the owners of a certain beat or territory as may be
22 fixed from time to time by the police commission.
- 23 (e) An attorney at law in performing his or her duties as an
24 attorney at law.
- 25 (f) A collection agency or an employee thereof while acting
26 within the scope of his or her employment, while making an
27 investigation incidental to the business of the agency, including
28 an investigation of the location of a debtor or his or her property
29 where the contract with an assignor creditor is for the collection
30 of claims owed or due or asserted to be owed or due or the
31 equivalent thereof.
- 32 (g) Admitted insurers and agents and insurance brokers licensed
33 by the state, performing duties in connection with insurance
34 transacted by them.
- 35 (h) Any bank subject to the jurisdiction of the Commissioner
36 of Financial Institutions of the State of California under Division
37 1 (commencing with Section 99) of the Financial Code or the
38 Comptroller of Currency of the United States.
- 39 (i) A person engaged solely in the business of securing
40 information about persons or property from public records.

1 (j) A peace officer of this state or a political subdivision thereof
2 while the peace officer is employed by a private employer to
3 engage in off-duty employment in accordance with Section 1126
4 of the Government Code. However, nothing herein shall exempt
5 such a peace officer who either contracts for his or her services or
6 the services of others as a private patrol operator or contracts for
7 his or her services as or is employed as an armed private security
8 officer. For purposes of this subdivision, “armed security officer”
9 means an individual who carries or uses a firearm in the course
10 and scope of that contract or employment.

11 (k) A retired peace officer of the state or political subdivision
12 thereof when the retired peace officer is employed by a private
13 employer in employment approved by the chief law enforcement
14 officer of the jurisdiction where the employment takes place,
15 provided that the retired officer is in a uniform of a public law
16 enforcement agency, has registered with the bureau on a form
17 approved by the director, and has met any training requirements
18 or their equivalent as established for security personnel under
19 Section 7583.5. This officer may not carry an unloaded and
20 exposed handgun unless he or she is exempted under the provisions
21 of Article 2 (commencing with Section 26361) of Chapter 6 of
22 Division 5 of Title 4 of Part 6 of the Penal Code, and may not carry
23 a loaded or concealed firearm unless he or she is exempted under
24 the provisions of Sections 25450 to 25475, inclusive, of the Penal
25 Code or Sections 25900 to 25910, inclusive, of the Penal Code or
26 has met the requirements set forth in subdivision (d) of Section
27 26030 of the Penal Code. However, nothing herein shall exempt
28 the retired peace officer who contracts for his or her services or
29 the services of others as a private patrol operator.

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

32 (m) Any savings association subject to the jurisdiction of the
33 Commissioner of Financial Institutions or the Office of Thrift
34 Supervision.

35 (n) Any secured creditor engaged in the repossession of the
36 creditor’s collateral and any lessor engaged in the repossession of
37 leased property in which it claims an interest.

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

1 (p) An unarmed, uniformed security person employed
2 exclusively and regularly by a motion picture studio facility
3 employer who does not provide contract security services for other
4 entities or persons in connection with the affairs of that employer
5 only and where there exists an employer-employee relationship if
6 that person at no time carries or uses any deadly weapon, as defined
7 in subdivision (a), in the performance of his or her duties, which
8 may include, but are not limited to, the following business
9 purposes:

10 (1) The screening and monitoring access of employees of the
11 same employer.

12 (2) The screening and monitoring access of prearranged and
13 preauthorized invited guests.

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

15 (4) Patrolling the private property facilities for the safety and
16 welfare of all who have been legitimately authorized to have access
17 to the facility.

18 (q) An armored contract carrier operating armored vehicles
19 pursuant to the authority of the Department of the California
20 Highway Patrol or the Public Utilities Commission, or an armored
21 vehicle guard employed by an armored contract carrier.

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

24 7582.2. This chapter does not apply to the following:

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

39 (b) An officer or employee of the United States of America, or
40 of this state or a political subdivision thereof, while the officer or

1 employee is engaged in the performance of his or her official
2 duties, including uniformed peace officers employed part time by
3 a public agency pursuant to a written agreement between a chief
4 of police or sheriff and the public agency, provided the part-time
5 employment does not exceed 50 hours in any calendar month.

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

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

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

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

23 (g) A collection agency or an employee thereof while acting
24 within the scope of his or her employment, while making an
25 investigation incidental to the business of the agency, including
26 an investigation of the location of a debtor or his or her property
27 where the contract with an assignor creditor is for the collection
28 of claims owed or due or asserted to be owed or due or the
29 equivalent thereof.

30 (h) Admitted insurers and agents and insurance brokers licensed
31 by the state, performing duties in connection with insurance
32 transacted by them.

33 (i) Any bank subject to the jurisdiction of the Commissioner of
34 Financial Institutions of the State of California under Division 1
35 (commencing with Section 99) of the Financial Code or the
36 Comptroller of Currency of the United States.

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

39 (k) A peace officer of this state or a political subdivision thereof
40 while the peace officer is employed by a private employer to

1 engage in off-duty employment in accordance with Section 1126
2 of the Government Code. However, nothing herein shall exempt
3 a peace officer who either contracts for his or her services or the
4 services of others as a private patrol operator or contracts for his
5 or her services as or is employed as an armed private security
6 officer. For purposes of this subdivision, “armed security officer”
7 means an individual who carries or uses a firearm in the course
8 and scope of that contract or employment.

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

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

31 (n) Any savings association subject to the jurisdiction of the
32 Commissioner of Financial Institutions or the Office of Thrift
33 Supervision.

34 (o) Any secured creditor engaged in the repossession of the
35 creditor’s collateral and any lessor engaged in the repossession of
36 leased property in which it claims an interest.

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

1 (q) An unarmed, uniformed security person employed
 2 exclusively and regularly by a motion picture studio facility
 3 employer who does not provide contract security services for other
 4 entities or persons in connection with the affairs of that employer
 5 only and where there exists an employer-employee relationship if
 6 that person at no time carries or uses any deadly weapon, as defined
 7 in subdivision (a), in the performance of his or her duties, which
 8 may include, but are not limited to, the following business
 9 purposes:

10 (1) The screening and monitoring access of employees of the
 11 same employer.

12 (2) The screening and monitoring access of prearranged and
 13 preauthorized invited guests.

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

15 (4) Patrolling the private property facilities for the safety and
 16 welfare of all who have been legitimately authorized to have access
 17 to the facility.

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

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

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

25 ~~SEC. 3.— Section 626.9 of the Penal Code is amended to read:~~

26 ~~626.9.— (a) This section shall be known, and may be cited, as~~
 27 ~~the Gun-Free School Zone Act of 1995.~~

28 ~~(b) Any person who possesses a firearm in a place that the~~
 29 ~~person knows, or reasonably should know, is a school zone, as~~
 30 ~~defined in paragraph (1) of subdivision (c), unless it is with the~~
 31 ~~written permission of the school district superintendent, his or her~~
 32 ~~designee, or equivalent school authority, shall be punished as~~
 33 ~~specified in subdivision (f).~~

34 ~~(c) Subdivision (b) does not apply to the possession of a firearm~~
 35 ~~under any of the following circumstances:~~

36 ~~(1) Within a place of residence or place of business or on private~~
 37 ~~property, if the place of residence, place of business, or private~~
 38 ~~property is not part of the school grounds and the possession of~~
 39 ~~the firearm is otherwise lawful.~~

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

4 ~~This section does not prohibit or limit the otherwise lawful~~
5 ~~transportation of any other firearm, other than a pistol, revolver,~~
6 ~~or other firearm capable of being concealed on the person, in~~
7 ~~accordance with state law.~~

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

19 ~~(4) When the person is exempt from the prohibition against~~
20 ~~carrying a concealed firearm pursuant to Section 25615, 25625,~~
21 ~~25630, or 25645.~~

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

26 ~~The prohibition contained in this subdivision does not apply to~~
27 ~~the discharge of a firearm to the extent that the conditions of~~
28 ~~paragraph (1) of subdivision (e) are satisfied.~~

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

30 ~~(1) "School zone" means an area in, or on the grounds of, a~~
31 ~~public or private school providing instruction in kindergarten or~~
32 ~~grades 1 to 12, inclusive, or within a distance of 1,000 feet from~~
33 ~~the grounds of the public or private school.~~

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

36 ~~(3) "Locked container" has the same meaning as that term is~~
37 ~~given in Section 16850.~~

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

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

6 ~~(2) Any person who violates subdivision (b) by possessing a~~
7 ~~firearm within a distance of 1,000 feet from the grounds of a public~~
8 ~~or private school providing instruction in kindergarten or grades~~
9 ~~1 to 12, inclusive, shall be punished as follows:~~

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

12 ~~(i) If the person previously has been convicted of any felony,~~
13 ~~or of any crime made punishable by any provision listed in Section~~
14 ~~16580.~~

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

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

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

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

28 ~~(g) (1) Every person convicted under this section for a~~
29 ~~misdemeanor violation of subdivision (b) who has been convicted~~
30 ~~previously of a misdemeanor offense enumerated in Section 23515~~
31 ~~shall be punished by imprisonment in a county jail for not less~~
32 ~~than three months, or if probation is granted or if the execution or~~
33 ~~imposition of sentence is suspended, it shall be a condition thereof~~
34 ~~that he or she be imprisoned in a county jail for not less than three~~
35 ~~months.~~

36 ~~(2) Every person convicted under this section of a felony~~
37 ~~violation of subdivision (b) or (d) who has been convicted~~
38 ~~previously of a misdemeanor offense enumerated in Section 23515,~~
39 ~~if probation is granted or if the execution of sentence is suspended,~~

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

3 ~~(3) Every person convicted under this section for a felony~~
4 ~~violation of subdivision (b) or (d) who has been convicted~~
5 ~~previously of any felony, or of any crime made punishable by any~~
6 ~~provision listed in Section 16580, if probation is granted or if the~~
7 ~~execution or imposition of sentence is suspended, it shall be a~~
8 ~~condition thereof that he or she be imprisoned in a county jail for~~
9 ~~not less than three months.~~

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

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

32 ~~(i) Notwithstanding Section 25605, any person who brings or~~
33 ~~possesses a firearm upon the grounds of a campus of, or buildings~~
34 ~~owned or operated for student housing, teaching, research, or~~
35 ~~administration by, a public or private university or college, that~~
36 ~~are contiguous or are clearly marked university property, unless~~
37 ~~it is with the written permission of the university or college~~
38 ~~president, his or her designee, or equivalent university or college~~
39 ~~authority, shall be punished by imprisonment in the state prison~~
40 ~~for one, two, or three years. Notwithstanding subdivision (k), a~~

1 university or college shall post a prominent notice at primary
2 entrances on noncontiguous property stating that firearms are
3 prohibited on that property pursuant to this subdivision.

4 (j) For purposes of this section, a firearm shall be deemed to be
5 loaded when there is an unexpended cartridge or shell, consisting
6 of a case that holds a charge of powder and a bullet or shot, in, or
7 attached in any manner to, the firearm, including, but not limited
8 to, in the firing chamber, magazine, or clip thereof attached to the
9 firearm. A muzzle-loader firearm shall be deemed to be loaded
10 when it is capped or primed and has a powder charge and ball or
11 shot in the barrel or cylinder.

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

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

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

32 (2) This section does not apply to a security guard authorized
33 to openly carry an unloaded handgun pursuant to Chapter 6
34 (commencing with Section 26350) of Division 5 of Title 4 of Part
35 6.

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

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

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

3 ~~(2) Section 25650.~~

4 ~~(3) Sections 25900 to 25910, inclusive.~~

5 ~~(4) Section 26020.~~

6 ~~(p) This section does not apply to an honorably retired peace~~
7 ~~officer authorized to openly carry an unloaded handgun pursuant~~
8 ~~to Section 26361.~~

9 *SEC. 3. Section 626.92 is added to the Penal Code, to read:*

10 *626.92. Section 626.9 does not apply to or affect any of the*
11 *following:*

12 *(a) A security guard authorized to openly carry an unloaded*
13 *handgun pursuant to Chapter 6 (commencing with Section 26350)*
14 *of Division 5 of Title 4 of Part 6.*

15 *(b) An honorably retired peace officer authorized to openly*
16 *carry an unloaded handgun pursuant to Section 26361.*

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

18 *16520. (a) As used in this part, "firearm" means any device,*
19 *designed to be used as a weapon, from which is expelled through*
20 *a barrel, a projectile by the force of any explosion or other form*
21 *of combustion.*

22 *(b) As used in the following provisions, "firearm" includes the*
23 *frame or receiver of the weapon:*

24 *(1) Section 16550.*

25 *(2) Section 16730.*

26 *(3) Section 16960.*

27 *(4) Section 16990.*

28 *(5) Section 17070.*

29 *(6) Section 17310.*

30 *(7) Sections 26500 to 26588, inclusive.*

31 *(8) Sections 26600 to 27140, inclusive.*

32 *(9) Sections 27400 to 28000, inclusive.*

33 *(10) Section 28100.*

34 *(11) Sections 28400 to 28415, inclusive.*

35 *(12) Sections 29010 to 29150, inclusive.*

36 *(13) Sections 29610 to 29750, inclusive.*

37 *(14) Sections 29800 to 29905, inclusive.*

38 *(15) Sections 30150 to 30165, inclusive.*

39 *(16) Section 31615.*

40 *(17) Sections 31705 to 31830, inclusive.*

1 (18) Sections 34355 to 34370, inclusive.

2 (19) Sections 8100, 8101, and 8103 of the Welfare and
3 Institutions Code.

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

8 (1) Section 16750.

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

10 (3) Section 25400.

11 (4) Sections 25850 to 26025, inclusive.

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

13 (6) Sections 26035 to 26055, inclusive.

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

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

17 (2) Section 16550.

18 (3) Section 16960.

19 (4) Section 17310.

20 (5) Chapter 6 (commencing with Section 26350) of Division 5
21 of Title 4.

22 (6) Sections 26500 to 26588, inclusive.

23 (7) Sections 26700 to 26915, inclusive.

24 (8) Section 27510.

25 (9) Section 27530.

26 (10) Section 27540.

27 (11) Section 27545.

28 (12) Sections 27555 to 27570, inclusive.

29 (13) Sections 29010 to 29150, inclusive.

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

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

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

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

1 16750. (a) As used in Section 25400, “lawful possession of
2 the firearm” means that the person who has possession or custody
3 of the firearm either lawfully owns the firearm or has the
4 permission of the lawful owner or a person who otherwise has
5 apparent authority to possess or have custody of the firearm. A
6 person who takes a firearm without the permission of the lawful
7 owner or without the permission of a person who has lawful
8 custody of the firearm does not have lawful possession of the
9 firearm.

10 (b) As used in Article 2 (commencing with Section 25850),
11 Article 3 (commencing with Section 25900), and Article 4
12 (commencing with Section 26000) of Chapter 3 of Division 5 of
13 Title 4, and Chapter 6 (commencing with Section 26350) of
14 Division 5 of Title 4, “lawful possession of the firearm” means
15 that the person who has possession or custody of the firearm either
16 lawfully acquired and lawfully owns the firearm or has the
17 permission of the lawful owner or person who otherwise has
18 apparent authority to possess or have custody of the firearm. A
19 person who takes a firearm without the permission of the lawful
20 owner or without the permission of a person who has lawful
21 custody of the firearm does not have lawful possession of the
22 firearm.

23 SEC. 6. Section 16850 of the Penal Code is amended to read:
24 16850. As used in Sections 17740, 23925, 25105, 25205, and
25 25610, in Article 3 (commencing with Section 25505) of Chapter
26 2 of Division 5 of Title 4, and in Chapter 6 (commencing with
27 Section 26350) of Division 5 of Title 4, “locked container” means
28 a secure container that is fully enclosed and locked by a padlock,
29 keylock, combination lock, or similar locking device. The term
30 “locked container” does not include the utility or glove
31 compartment of a motor vehicle.

32 SEC. 7. Section 16950 is added to the Penal Code, to read:
33 16950. As used in ~~Section 17510~~ and Chapter 6 (commencing
34 with Section 26350) of Division 5 of Title 4, a handgun shall be
35 deemed to be carried openly or exposed if the handgun is not
36 carried concealed within the meaning of Section 25400.

37 SEC. 8. Section 17040 is added to the Penal Code, to read:
38 17040. As used in Chapter 6 (commencing with Section 26350)
39 of Division 5 of Title 4, “public place” has the same meaning as
40 in Section 25850.

1 SEC. 9. Section 17295 is added to the Penal Code, to read:
 2 17295. For purposes of Chapter 6 (commencing with Section
 3 26350) of Division 5 of Title 4, a handgun shall be deemed
 4 “unloaded” if it is not “loaded” within the meaning of subdivision
 5 (b) of Section 16840.

6 ~~SEC. 10. Section 17510 of the Penal Code is amended to read:~~

7 ~~17510. (a) Any person who does any of the following acts~~
 8 ~~while engaged in picketing, or other informational activities in a~~
 9 ~~public place relating to a concerted refusal to work, is guilty of a~~
 10 ~~misdemeanor:~~

11 ~~(1) Carries concealed upon the person, or within any vehicle~~
 12 ~~which is under the person’s control or direction, any pistol,~~
 13 ~~revolver, or other firearm capable of being concealed upon the~~
 14 ~~person:~~

15 ~~(2) Carries a loaded firearm upon the person or within any~~
 16 ~~vehicle that is under the person’s control or direction:~~

17 ~~(3) Carries a deadly weapon.~~

18 ~~(4) Openly carries an unloaded handgun upon the person.~~

19 ~~(5) Openly carries an unloaded handgun within any vehicle that~~
 20 ~~is under the person’s direction or control:~~

21 ~~(b) This section shall not be construed to authorize or ratify any~~
 22 ~~picketing or other informational activities not otherwise authorized~~
 23 ~~by law:~~

24 ~~(c) The following provisions shall not be construed to authorize~~
 25 ~~any conduct described in paragraph (1) of subdivision (a):~~

26 ~~(1) Article 2 (commencing with Section 25450) of Chapter 2~~
 27 ~~of Division 5 of Title 4:~~

28 ~~(2) Sections 25615 to 25655, inclusive.~~

29 ~~(d) Sections 25900 to 26020, inclusive, shall not be construed~~
 30 ~~to authorize any conduct described in paragraph (2) of subdivision~~
 31 ~~(a):~~

32 ~~(e) Article 2 (commencing with Section 26361) of Chapter 6 of~~
 33 ~~Division 5 of Title 4 shall not be construed to authorize any conduct~~
 34 ~~described in paragraph (4) or (5) of subdivision (a):~~

35 *SEC. 10. Section 17512 is added to the Penal Code, to read:*

36 *17512. 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 permit any other*
 39 *person to carry into or bring into the vehicle a firearm in violation*
 40 *of Section 26350.*

1 SEC. 11. Section 25590 is added to the Penal Code, to read:
2 25590. Section 25400 does not apply to, or affect, the
3 transportation of a firearm by a person if done directly between
4 any of the places set forth below:

5 (a) A place where the person may carry that firearm pursuant
6 to an exemption from the prohibition set forth in subdivision (a)
7 of Section 25400.

8 (b) A place where that person may carry that firearm pursuant
9 to an exemption from the prohibition set forth in subdivision (a)
10 of Section 25850, or a place where the prohibition set forth in
11 subdivision (a) of Section 25850 does not apply.

12 (c) A place where that person may carry a firearm pursuant to
13 an exemption from the prohibition set forth in subdivision (a) of
14 Section 26350, or a place where the prohibition set forth in
15 subdivision (a) of Section 26350 does not apply.

16 SEC. 12. Section 25595 of the Penal Code is amended to read:
17 25595. This article does not prohibit or limit the otherwise
18 lawful carrying or transportation of any handgun in accordance
19 with the provisions listed in Section 16580.

20 SEC. 13. Section 25605 of the Penal Code is amended to read:
21 25605. (a) Section 25400 and Chapter 6 (commencing with
22 Section 26350) of Division 5 shall not apply to or affect 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, who carries, either openly or concealed,
29 anywhere within the citizen's or legal resident's place of residence,
30 place of business, or on private property owned or lawfully
31 possessed by the citizen or legal resident, any handgun.

32 (b) No permit or license to purchase, own, possess, keep, or
33 carry, either openly or concealed, shall be required of any citizen
34 of the United States or legal resident over the age of 18 years who
35 resides or is temporarily within this state, and who is not within
36 the excepted classes prescribed by Chapter 2 (commencing with
37 Section 29800) or Chapter 3 (commencing with Section 29900)
38 of Division 9 of this title, or Section 8100 or 8103 of the Welfare
39 and Institutions Code, to purchase, own, possess, keep, or carry,
40 either openly or concealed, a handgun within the citizen's or legal

1 resident’s place of residence, place of business, or on private
2 property owned or lawfully possessed by the citizen or legal
3 resident.

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

6 ~~SEC. 14. Section 26100 of the Penal Code is amended to read:~~

7 ~~26100. (a) It is a misdemeanor for a driver of any motor vehicle
8 or the owner of any motor vehicle, whether or not the owner of
9 the vehicle is occupying the vehicle, to knowingly permit any other
10 person to carry into or bring into the vehicle a firearm in violation
11 of Section 25850 or Section 26350 of this code or Section 2006
12 of the Fish and Game Code.~~

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

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

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

27 ~~SEC. 15.~~

28 ~~SEC. 14.~~ Chapter 6 (commencing with Section 26350) is added
29 to Division 5 of Title 4 of Part 6 of the Penal Code, to read:

30

31 CHAPTER 6. OPENLY CARRYING AN UNLOADED HANDGUN

32

33 Article 1. Crime of Openly Carrying an Unloaded Handgun

34

35 26350. (a) (1) A person is guilty of openly carrying an
36 unloaded handgun when that person carries upon his or her person
37 an exposed and unloaded handgun outside a vehicle while in or
38 on any of the following:

39 (A) A public place or public street in an incorporated city or
40 city and county.

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

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

5 (2) A person is guilty of openly carrying an unloaded handgun
6 when that person carries an exposed and unloaded handgun inside
7 or on a vehicle, whether or not on his or her person, while in or
8 on any of the following:

9 (A) A public place or public street in an incorporated city or
10 city and county.

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

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

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

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

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

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

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

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

36 (d) Notwithstanding the fact that the term “an unloaded
37 handgun” is used in this section, each handgun shall constitute a
38 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 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.

26365. 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 an authorized agent or employee thereof, when transported in conformance with applicable federal law.

1 26368. Section 26350 does not apply to, or affect, the open
2 carrying of an unloaded handgun by a member of an organization
3 chartered by the Congress of the United States or a nonprofit
4 mutual or public benefit corporation organized and recognized as
5 a nonprofit tax-exempt organization by the Internal Revenue
6 Service while on official parade duty or ceremonial occasions of
7 that organization or while rehearsing or practicing for official
8 parade duty or ceremonial occasions.

9 26369. Paragraph (1) of subdivision (a) of Section 26350 does
10 not apply to, or affect, the open carrying of an unloaded handgun
11 within a gun show conducted pursuant to Article 1 (commencing
12 with Section 27200) and Article 2 (commencing with Section
13 27300) of Chapter 3 of Division 6.

14 26370. Section 26350 does not apply to, or affect, the open
15 carrying of an unloaded handgun within a school zone, as defined
16 in Section 626.9, with the written permission of the school district
17 superintendent, the superintendent's designee, or equivalent school
18 authority.

19 26371. Section 26350 does not apply to, or affect, the open
20 carrying of an unloaded handgun when in accordance with the
21 provisions of Section 171b.

22 26372. Section 26350 does not apply to, or affect, the open
23 carrying of an unloaded handgun by any person while engaged in
24 the act of making or attempting to make a lawful arrest.

25 26373. Section 26350 does not apply to, or affect, the open
26 carrying of an unloaded handgun incident to loaning, selling, or
27 transferring that handgun in accordance with Article 1
28 (commencing with Section 27500) of Chapter 4 of Division 6, or
29 in accordance with any of the exemptions from Section 27545, so
30 long as that handgun is possessed within private property and the
31 possession and carrying is with the permission of the owner or
32 lessee of that private property.

33 26374. Section 26350 does not apply to, or affect, the open
34 carrying of an unloaded handgun by a person engaged in
35 firearms-related activities, while on the premises of a fixed place
36 of business that is licensed to conduct and conducts, as a regular
37 course of its business, activities related to the sale, making, repair,
38 transfer, pawn, or the use of firearms, or related to firearms training.

39 26375. Section 26350 does not apply to, or affect, the open
40 carrying of an unloaded handgun by an authorized participant in,

1 or an authorized employee or agent of a supplier of firearms for,
2 a motion picture, television or video production, or entertainment
3 event, when the participant lawfully uses the handgun as part of
4 that production or event, as part of rehearsing or practicing for
5 participation in that production or event, or while the participant
6 or authorized employee or agent is at that production or event, or
7 rehearsal or practice for that production or event.

8 26376. Paragraph (1) of subdivision (a) of Section 26350 does
9 not apply to, or affect, the open carrying of an unloaded handgun
10 incident to obtaining an identification number or mark assigned
11 for that handgun from the Department of Justice pursuant to Section
12 23910.

13 26377. Paragraph (1) of subdivision (a) of Section 26350 does
14 not apply to, or affect, the open carrying of an unloaded handgun
15 at any established target range, whether public or private, while
16 the person is using the handgun upon the target range.

17 26378. Section 26350 does not apply to, or affect, the open
18 carrying of an unloaded handgun by a person when that person is
19 summoned by a peace officer to assist in making arrests or
20 preserving the peace, while the person is actually engaged in
21 assisting that officer.

22 26379. Paragraph (1) of subdivision (a) of Section 26350 does
23 not apply to, or affect, the open carrying of an unloaded handgun
24 incident to any of the following:

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

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

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

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

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

33 26380. Section 26350 does not apply to, or affect, the open
34 carrying of an unloaded handgun incident to, and in the course and
35 scope of, training of or by an individual to become a sworn peace
36 officer as part of a course of study approved by the Commission
37 on Peace Officer Standards and Training.

38 26381. Section 26350 does not apply to, or affect, the open
39 carrying of an unloaded handgun incident to, and in the course and
40 scope of, training of or by an individual to become licensed

1 pursuant to Chapter 4 (commencing with Section 26150) as part
2 of a course of study necessary or authorized by the person
3 authorized to issue the license pursuant to that chapter.

4 26382. Section 26350 does not apply to, or affect, the open
5 carrying of an unloaded handgun incident to and at the request of
6 a sheriff or chief or other head of a municipal police department.

7 ~~26383. Section Paragraph (1) of subdivision (a) of Section~~
8 26350 does not apply to, or affect, the open carrying of an unloaded
9 handgun by a person when done within a place of business, a place
10 of residence, or on private property, if done with the permission
11 of a person who, by virtue of subdivision (a) of Section 25605,
12 may carry openly an unloaded handgun within that place of
13 business, place of residence, or on that private property owned or
14 lawfully possessed by that person.

15 26384. Paragraph (1) of subdivision (a) of Section 26350 does
16 not apply to, or affect, the open carrying of an unloaded handgun
17 if all of the following conditions are satisfied:

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

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

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

27 26385. Section 26350 does not apply to, or affect, the open
28 carrying of an unloaded handgun pursuant to paragraph (3) of
29 subdivision (b) of Section 171c.

30 26386. Section 26350 does not apply to, or affect, the open
31 carrying of an unloaded handgun pursuant to Section 171d.

32 26387. Section 26350 does not apply to, or affect, the open
33 carrying of an unloaded handgun pursuant to subparagraph (F) of
34 paragraph (1) subdivision (c) of Section 171.7.

35 26388. Section 26350 does not apply to, or affect, the open
36 carrying of an unloaded handgun on publicly owned land, if the
37 possession and use of a handgun is specifically permitted by the
38 managing agency of the land and the person carrying that handgun
39 is in lawful possession of that handgun.

1 26389. Section 26350 does not apply to, or affect, the carrying
2 of an unloaded handgun if the handgun is carried either in the
3 locked trunk of a motor vehicle or in a locked container.

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

5 ~~29805. Except as provided in Section 29855 or subdivision (a)~~
6 ~~of Section 29800, any person who has been convicted of a~~
7 ~~misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140,~~
8 ~~subdivision (d) of Section 148, Section 171b, paragraph (1) of~~
9 ~~subdivision (a) of Section 171e, 171d, 186.28, 240, 241, 242, 243,~~
10 ~~243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6,~~
11 ~~422, 626.9, 646.9, or 830.95, subdivision (a) of former Section~~
12 ~~12100, as that section read at any time from when it was enacted~~
13 ~~by Section 3 of Chapter 1386 of the Statutes of 1988 to when it~~
14 ~~was repealed by Section 18 of Chapter 23 of the Statutes of 1994,~~
15 ~~Section 17500, paragraph (1), (2) or (3) of subdivision (a) of~~
16 ~~Section 17510, Section 25300, 25800, 30315, or 32625, subdivision~~
17 ~~(b) or (d) of Section 26100, or Section 27510, or Section 8100,~~
18 ~~8101, or 8103 of the Welfare and Institutions Code, any~~
19 ~~firearm-related offense pursuant to Sections 871.5 and 1001.5 of~~
20 ~~the Welfare and Institutions Code, or of the conduct punished in~~
21 ~~subdivision (e) of Section 27590, and who, within 10 years of the~~
22 ~~conviction, owns, purchases, receives, or has in possession or under~~
23 ~~custody or control, any firearm is guilty of a public offense, which~~
24 ~~shall be punishable by imprisonment in a county jail not exceeding~~
25 ~~one year or in the state prison, by a fine not exceeding one thousand~~
26 ~~dollars (\$1,000), or by both that imprisonment and fine. The court,~~
27 ~~on forms prescribed by the Department of Justice, shall notify the~~
28 ~~department of persons subject to this section. However, the~~
29 ~~prohibition in this section may be reduced, eliminated, or~~
30 ~~conditioned as provided in Section 29855 or 29860.~~

31 ~~SEC. 17.~~

32 ~~SEC. 15. No reimbursement is required by this act pursuant to~~
33 ~~Section 6 of Article XIII B of the California Constitution because~~
34 ~~the only costs that may be incurred by a local agency or school~~
35 ~~district will be incurred because this act creates a new crime or~~
36 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
37 ~~for a crime or infraction, within the meaning of Section 17556 of~~
38 ~~the Government Code, or changes the definition of a crime within~~

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

O