

Introduced by Senator WrightFebruary 20, 2013

An act to add Chapter 4 (commencing with Section 25240) to Division 4 of Title 4 of Part 6 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 363, as introduced, Wright. Firearms: storage: prohibited persons.

Existing law provides that specified classes of persons are prohibited from owning or possessing firearms. Existing law establishes the offense of criminal storage of a firearm, where a person stores a loaded firearm in the person's premises and knows or should know that a child is likely to gain access to the firearm, a child gains access to the firearm, and causes death, great bodily injury, or injury to the child or another person, as specified.

This bill would require every person who owns or possesses any firearms and resides with an individual who he or she knows, or has reason to know, is prohibited from owning or possessing a firearm, as specified, to secure the firearms within a locked container, or with a locking device, or within a gun safe, as specified, and to store the firearms so that the individual may not gain access to the firearms. The bill would provide that a violation of these provisions is a misdemeanor punishable by imprisonment in a county jail not exceeding one year, or a fine not exceeding \$1,000, or by both that fine and imprisonment.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Chapter 4 (commencing with Section 25240) is
2 added to Division 4 of Title 4 of Part 6 of the Penal Code, to read:

3
4 CHAPTER 4. FIREARM STORAGE AND PROHIBITED PERSONS
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6 25240. (a) Every person who owns or possesses any firearms
7 and resides with an individual who he or she knows, or has reason
8 to know, is prohibited from owning or possessing a firearm
9 pursuant to Section 8100 or 8103 of the Welfare and Institutions
10 Code shall secure the firearms within a locked container as
11 described in Section 16850, or with a locking device as described
12 in Section 16860, or within a gun safe as described in Section
13 16870, and store the firearms so that the individual may not gain
14 access to the firearms.

15 (b) A violation of this section is a misdemeanor punishable by
16 imprisonment in a county jail not exceeding one year, or a fine not
17 exceeding \$1,000, or by both that fine and imprisonment.

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.