

AMENDED IN SENATE JUNE 28, 2016

AMENDED IN ASSEMBLY APRIL 7, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2165**

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**Introduced by Assembly Member Bonta**  
**(Coauthors: Assembly Members Gonzalez, Roger Hernández,**  
**Lackey, and Wilk)**  
**(Coauthor: Senator Roth)**

February 17, 2016

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An act to amend Section 32000 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2165, as amended, Bonta. Firearms: prohibitions: exemptions.

Existing law makes it a crime for any person in this state to manufacture, import into the state, *state for sale*, keep for sale, offer or expose for sale, give, or lend an unsafe handgun. Under existing law, this prohibition does not apply to the sale or purchase of a handgun if the handgun is sold to, or purchased by, a police department, the Department of Corrections and Rehabilitation, or any federal law enforcement agency, among other entities.

This bill would also make the above prohibition inapplicable to the sale of a handgun to, or purchase of one by, other peace officers, as specified, who have satisfactorily completed the portion of an introductory training course pertaining to the carrying and use of firearms. *or purchase of a handgun if the handgun is sold to, or purchased by, specified entities or sworn members of those entities who have satisfactorily completed the firearms portion of a training course*

*prescribed by the Commission on Peace Officer Standards and Training. The bill would prohibit a person who obtains an unsafe handgun pursuant to this exemption from selling the handgun or otherwise transferring ownership of the handgun to a person who is not exempt from the above prohibition.*

*This bill would require a person, with exceptions, who obtains an unsafe handgun pursuant to this exemption to, when leaving the handgun in an unattended vehicle, as defined, lock the handgun in the vehicle’s trunk or lock the handgun in a locked container, as defined, and place the container out of plain view. The bill would make a violation of this provision an infraction punishable by a fine not exceeding \$1,000. 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: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 32000 of the Penal Code is amended to  
2 read:  
3 32000. (a) A person in this state who manufactures or causes  
4 to be manufactured, imports into the state for sale, keeps for sale,  
5 offers or exposes for sale, gives, or lends an unsafe handgun shall  
6 be punished by imprisonment in a county jail not exceeding one  
7 year.  
8 (b) This section shall not apply to any of the following:  
9 (1) The manufacture in this state, or importation into this state,  
10 of a prototype handgun when the manufacture or importation is  
11 for the sole purpose of allowing an independent laboratory certified  
12 by the Department of Justice pursuant to Section 32010 to conduct  
13 an independent test to determine whether that handgun is prohibited  
14 by Sections 31900 to 32110, inclusive, and, if not, allowing the  
15 department to add the firearm to the roster of handguns that may  
16 be sold in this state pursuant to Section 32015.

1 (2) The importation or lending of a handgun by employees or  
2 authorized agents of entities determining whether the weapon is  
3 prohibited by this section.

4 (3) Firearms listed as curios or relics, as defined in Section  
5 478.11 of Title 27 of the Code of Federal Regulations.

6 (4) The sale or purchase of a handgun, if the handgun is sold  
7 to, or purchased by, the Department of Justice, a police department,  
8 a sheriff's official, a marshal's office, the Department of  
9 Corrections and Rehabilitation, the Department of the California  
10 Highway Patrol, any district attorney's office, ~~any other peace~~  
11 ~~officer described in Chapter 4.5 (commencing with Section 830)~~  
12 ~~of Title 3 of Part 2 who has satisfactorily completed the portion~~  
13 ~~of the introductory training course specified in Section 832~~  
14 ~~pertaining to the carrying and use of firearms;~~ any federal law  
15 enforcement agency, or the military or naval forces of this state  
16 or of the United States for use in the discharge of their official  
17 duties. This section does not prohibit the sale to, or purchase by,  
18 sworn members of these agencies of a handgun.

19 (5) The sale, purchase, or delivery of a handgun, if the sale,  
20 purchase, or delivery of the handgun is made pursuant to  
21 subdivision (d) of Section 10334 of the Public Contract Code.

22 (6) *Subject to the limitations set forth in subdivision (c), the sale*  
23 *or purchase of a handgun, if the handgun is sold to, or purchased*  
24 *by, any of the following entities or sworn members of these entities*  
25 *who have satisfactorily completed the firearms portion of a training*  
26 *course prescribed by the Commission on Peace Officer Standards*  
27 *and Training pursuant to Section 832:*

28 (A) *The Department of Parks and Recreation.*

29 (B) *The Department of Alcoholic Beverage Control.*

30 (C) *The Division of Investigation of the Department of Consumer*  
31 *Affairs.*

32 (D) *The Department of Motor Vehicles.*

33 (E) *The Fraud Division of the Department of Insurance.*

34 (F) *The State Department of State Hospitals.*

35 (G) *The State Department of Developmental Services.*

36 (H) *The State Fire Marshal.*

37 (I) *A county probation department.*

38 (J) *The Los Angeles World Airports, as defined in Section*  
39 *830.15.*

1 (K) A K-12 public school district for use by a school police  
2 officer, as described in Section 830.32.

3 (L) A municipal water district for use by a park ranger, as  
4 described in Section 830.34.

5 (M) A county for use by a welfare fraud investigator or  
6 inspector, as described in Section 830.35.

7 (N) A county for use by the coroner or the deputy coroner, as  
8 described in Section 830.35.

9 (O) The Supreme Court and the courts of appeal for use by  
10 marshals of the Supreme Court and bailiffs of the courts of appeal,  
11 and coordinators of security for the judicial branch, as described  
12 in Section 830.36.

13 (P) A fire department or fire protection agency of a county, city,  
14 city and county, district, or the state for use by either of the  
15 following:

16 (i) A member of an arson-investigating unit, regularly paid and  
17 employed in that capacity pursuant to Section 830.37.

18 (ii) A member other than a member of an arson-investigating  
19 unit, regularly paid and employed in that capacity pursuant to  
20 Section 830.37.

21 (c) (1) A person who obtains an unsafe handgun pursuant to  
22 paragraph (6) of subdivision (b) shall not sell the handgun or  
23 otherwise transfer ownership of the handgun to a person who is  
24 not exempt from this section pursuant to subdivision (b).

25 (2) (A) A person who obtains an unsafe handgun pursuant to  
26 paragraph (6) of subdivision (b) shall, when leaving the handgun  
27 in an unattended vehicle, lock the handgun in the vehicle's trunk  
28 or lock the handgun in a locked container and place the container  
29 out of plain view.

30 (B) A violation of subparagraph (A) is an infraction punishable  
31 by a fine not exceeding one thousand dollars (\$1,000).

32 (C) For purposes of this paragraph, the following definitions  
33 shall apply:

34 (i) "Vehicle" has the same meaning as defined in Section 670  
35 of the Vehicle Code.

36 (ii) A vehicle is "unattended" when a person who is lawfully  
37 carrying or transporting a handgun in the vehicle is not within  
38 close proximity to the vehicle to reasonably prevent unauthorized  
39 access to the vehicle or its contents.

1 (iii) “Locked container” has the same meaning as defined in  
2 Section 16850.

3 (D) Subparagraph (A) does not apply to a peace officer during  
4 circumstances requiring immediate aid or action that are within  
5 the course of his or her official duties.

6 (e)

7 (d) Violations of subdivision (a) are cumulative with respect to  
8 each handgun and shall not be construed as restricting the  
9 application of any other law. However, an act or omission  
10 punishable in different ways by this section and other provisions  
11 of law shall not be punished under more than one provision, but  
12 the penalty to be imposed shall be determined as set forth in Section  
13 654.

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