

AMENDED IN SENATE JUNE 30, 2016

AMENDED IN SENATE JUNE 13, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2245

Introduced by Assembly Member Cooper

February 18, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2245, as amended, Cooper. Firearms: prohibitions: exemptions: probation departments.

Existing law makes it a crime for any person in this state to manufacture, import into the state, 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, the Department of Corrections and Rehabilitation or to any federal law enforcement agency, among other entities.

This bill would also make the above prohibition inapplicable to the sale to, or purchase by, a probation department, or a sworn member of a probation department if that person satisfies certain requirements. *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.
- 17 (2) The importation or lending of a handgun by employees or
- 18 authorized agents of entities determining whether the weapon is
- 19 prohibited by this section.
- 20 (3) Firearms listed as curios or relics, as defined in Section
- 21 478.11 of Title 27 of the Code of Federal Regulations.
- 22 (4) The sale or purchase of a handgun, if the handgun is sold
- 23 to, or purchased by, the Department of Justice, a police department,

1 a sheriff's official, a marshal's office, the Department of
2 Corrections and Rehabilitation, the *Department of the* California
3 Highway Patrol, any district attorney's office, any federal law
4 enforcement agency, or the military or naval forces of this state
5 or of the United States for use in the discharge of their official
6 duties. This section does not prohibit the sale to, or purchase by,
7 sworn members of these agencies of a handgun.

8 (5) The sale or purchase of a handgun, if the handgun is sold
9 to, or purchased by, a probation department. This section does not
10 prohibit the sale of a handgun to, or purchase by, sworn members
11 of a probation department who have completed the firearms portion
12 of the training course prescribed by the Commission on Peace
13 Officer Standards and Training, pursuant to Section 832.

14 (6) The sale, purchase, or delivery of a handgun, if the sale,
15 purchase, or delivery of the handgun is made pursuant to
16 subdivision (d) of Section 10334 of the Public Contract Code.

17 (c) (1) *A person who obtains an unsafe handgun pursuant to*
18 *paragraph (5) of subdivision (b) shall not sell the handgun or*
19 *otherwise transfer ownership of the handgun to a person who is*
20 *not exempt from this section pursuant to subdivision (b).*

21 (2) (A) *A person who obtains an unsafe handgun pursuant to*
22 *paragraph (5) of subdivision (b) shall, when leaving the handgun*
23 *in an unattended vehicle, lock the handgun in the vehicle's trunk*
24 *or lock the handgun in a locked container and place the container*
25 *out of plain view.*

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

28 (C) *For purposes of this paragraph, the following definitions*
29 *shall apply:*

30 (i) *"Vehicle" has the same meaning as defined in Section 670*
31 *of the Vehicle Code.*

32 (ii) *A vehicle is "unattended" when a person who is lawfully*
33 *carrying or transporting a handgun in the vehicle is not within*
34 *close proximity to the vehicle to reasonably prevent unauthorized*
35 *access to the vehicle or its contents.*

36 (iii) *"Locked container" has the same meaning as defined in*
37 *Section 16850.*

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

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

9 *SEC. 2. 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.*