

AMENDED IN SENATE MARCH 30, 2016

**SENATE BILL**

**No. 869**

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**Introduced by Senator Hill**

January 12, 2016

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An act to add Section 25452 to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 869, as amended, Hill. Firearms: securing handguns in vehicles.

Existing law prohibits a person who is 18 years of age or older, and who is the owner, lessee, renter, or other legal occupant of a residence, who owns a firearm and who knows or has reason to know that another person also residing there is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm from keeping a firearm in that residence, unless the firearm is secured, as specified. A violation of this prohibition is a misdemeanor.

This bill would require a person, when leaving a handgun in *a* *an unattended* vehicle, to secure the handgun by locking it in the trunk of the vehicle or locking it in a locked container and placing the container out of plain view. The bill would make a violation of these requirements 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: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Section 25452 is added to the Penal Code, to  
2 read:

3 25452. (a) Notwithstanding Section 25450, a person shall,  
4 when leaving a handgun in—a *an unattended* vehicle, lock the  
5 handgun in the vehicle's trunk or lock the handgun in a locked  
6 container and place the container out of plain view.

7 (b) A violation of subdivision (a) is an infraction punishable by  
8 a fine not exceeding one thousand dollars (\$1,000).

9 (c) (1) As used in this section, “vehicle” has the same meaning  
10 as specified in Section 670 of the Vehicle Code.

11 (2) As used in this section, “locked container” has the same  
12 meaning as specified in Section 16850.

13 (3) For purposes of this section, a vehicle is unattended when  
14 a person who is lawfully carrying or transporting a handgun in a  
15 vehicle is not within close enough proximity to the vehicle to  
16 reasonably prevent unauthorized access to the vehicle or its  
17 contents.

18 (d) This section does not apply to a peace officer during  
19 circumstances requiring immediate aid or action that are within  
20 the course of his or her official duties.

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