

AMENDED IN ASSEMBLY MAY 18, 2016

AMENDED IN ASSEMBLY MAY 3, 2016

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 *amend Section 25645 of, and 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 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. *The bill would expressly make those requirements inapplicable to the transportation of unloaded firearms by a licensed common carrier in conformance with applicable federal law.*

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) ~~Except as provided in Section 25645, a~~ A person  
 4 shall, when leaving a handgun in 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. Section 25645 of the Penal Code is amended to read:*

22 25645. ~~Section 25400 does Sections 25400 and 25452 do not~~  
 23 apply to, or affect, the transportation of unloaded firearms by a  
 24 person operating a licensed common carrier or an authorized agent  
 25 or employee thereof when the firearms are transported in  
 26 conformance with applicable federal law.

27 ~~SEC. 2.~~

28 *SEC. 3.* No reimbursement is required by this act pursuant to  
 29 Section 6 of Article XIII B of the California Constitution because  
 30 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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