

AMENDED IN ASSEMBLY AUGUST 11, 2016

AMENDED IN ASSEMBLY MAY 18, 2016

AMENDED IN ASSEMBLY MAY 3, 2016

AMENDED IN SENATE MARCH 30, 2016

SENATE BILL

No. 869

Introduced by Senator Hill

(Principal coauthor: Assembly Member Chiu)

January 12, 2016

An act to amend Section 25645 of, and to add Section ~~25452~~ 25140, 25452, and 25612 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~~ vehicle, locking it in a locked container and placing the container out of plain-view: *view, or locking the handgun in a locked container that is permanently affixed to the vehicle's interior and not in 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. *The bill would also provide that these provisions do not supersede any local ordinance that regulates the storage of handguns in unattended vehicles if the ordinance was in effect before the date of enactment of this bill.*

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~~25140 is added to the Penal Code,
 2 to read:
 3 ~~25452.~~
 4 25140. (a) A person shall, when leaving a handgun in an
 5 unattended vehicle, lock the handgun in the vehicle’s ~~trunk or~~
 6 *trunk*, lock the handgun in a locked container and place the
 7 container out of plain ~~view.~~ *view, or lock the handgun in a locked*
 8 *container that is permanently affixed to the vehicle’s interior and*
 9 *not in plain view.*
 10 (b) A violation of subdivision (a) is an infraction punishable by
 11 a fine not exceeding one thousand dollars (\$1,000).
 12 (c) (1) As used in this section, “vehicle” has the same meaning
 13 as specified in Section 670 of the Vehicle Code.
 14 (2) As used in this section, “locked container” has the same
 15 meaning as specified in Section 16850.
 16 (3) For purposes of this section, a vehicle is unattended when
 17 a person who is lawfully carrying or transporting a handgun in a
 18 vehicle is not within close enough proximity to the vehicle to
 19 reasonably prevent unauthorized access to the vehicle or its
 20 contents.
 21 (d) This section does not apply to a peace officer during
 22 circumstances requiring immediate aid or action that are within
 23 the course of his or her official duties.

1 (e) This section does not supersede any local ordinance that
2 regulates the storage of handguns in unattended vehicles if the
3 ordinance was in effect before the date of enactment of the act that
4 added this section.

5 SEC. 2. Section 25452 is added to the Penal Code, to read:
6 25452. A peace officer and an honorably retired peace officer
7 shall, when leaving a handgun in an unattended vehicle, secure
8 the handgun in the vehicle pursuant to Section 25140.

9 SEC. 3. Section 25612 is added to the Penal Code, to read:
10 25612. A person shall, when leaving a handgun in an
11 unattended vehicle, secure the handgun in the vehicle pursuant to
12 Section 25140.

13 ~~SEC. 2.~~
14 SEC. 4. Section 25645 of the Penal Code is amended to read:
15 25645. Sections ~~25400 and 25452~~ 25140 and 25400 do not
16 apply to, or affect, the transportation of unloaded firearms by a
17 person operating a licensed common carrier or an authorized agent
18 or employee thereof when the firearms are transported in
19 conformance with applicable federal law.

20 ~~SEC. 3.~~
21 SEC. 5. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B 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 XIII B of the California
29 Constitution.