

Reason for Bill

The purpose of this bill is to allow persons to legally and safely transport firearms to, from, and within their vehicles.

According to the Senate Judiciary Committee analysis, the author's office states that the law relating to the legal carrying of a concealable firearm without a permit is a quagmire for unwary citizens.

While it permits a person to possess a firearm at his residence and place of business, the rules are very stringent for transporting a concealable firearm from a place of purchase to the home or business, or between the home and business.

According to the author's office, the present law literally requires the person to transport the weapon in open view; a requirement which may cause unnecessary alarm to persons who may witness the act.

The proponent suggests that a safer and saner approach would be to permit the transport of the gun in a "locked container" when the firearm is being transported in a vehicle or is being carried by the person to or from the person's residence or business, or the place of purchase or repair, to a motor vehicle within 200 feet of that site.

Alternatively, the firearm could be locked in the vehicle's trunk, but not in the utility or glove compartment, when transported in a motor vehicle.

FISCAL EFFECT: Appropriation: No Fiscal Committee: No Local: No

SUPPORT: (Verified 4/17/86)

United Sportsmen  
National Rifle Association

ARGUMENTS IN SUPPORT: (See "Reason for Bill" statement of author's office.)

VW:lm 4/17/86 Senate Floor Analyses

SENATE BILL 1787

EXISTING LAW REQUIRES THAT CONCEALABLE WEAPONS BE CARRIED IN PLAIN VIEW -- CARRYING SUCH WEAPONS CONCEALED ON PERSON OR IN VEHICLE IS A MISDEMEANOR.

PROBLEM: PLAN TO GO TARGET PRACTICE IN THE DESERT -- MUST HAVE GUN IN PLAIN VIEW AT ALL TIMES -- STOP TO GET GAS, GO TO BATHROOM, SCARE PUBLIC, GUN MAY BE SEEN AND STOLEN, TRAFFIC STOP -- SCARE POLICE.

COMMON SENSE SAYS TO LOCK GUN IN TRUNK OR IN LOCKED CONTAINER. ATTORNEY GENERAL'S GUN HANDBOOK SAYS THE SAME, YET TO DO SO IS A MISDEMEANOR.

BILL:

- 1 MAY STILL TRANSPORT GUN IN PLAIN VIEW,
2. MAY TRANSPORT GUN IN LOCKED TRUNK OR LOCKED CONTAINER, BUT NOT IN GLOVE OR UTILITY BOX.
3. MAY CARRY GUN IN A LOCKED CONTAINER FROM HOME, PLACE OF BUSINESS OR GUN REPAIR SHOP TO VEHICLE, IF WITHIN 200 FEET.

WITNESS:

KENT DECHAMBEAU, UNITED SPORTSMEN

CALIFORNIA DEPARTMENT OF JUSTICE  
DIVISION OF LAW ENFORCEMENT  
BUREAU OF JUSTICE INFORMATION SERVICES

LEGISLATIVE BILL ANALYSIS

BILL NO.: Senate Bill 1787  
BILL AUTHOR: Senator Davis  
DATE LAST AMENDED: April 17, 1986  
SUBJECT: Concealable Weapons

DATE: May 15, 1986  
ANALYST: Frank Hirleman  
TELEPHONE: (916) 739-5101  
(ATSS) 497-5101

I. SUMMARY OF BILL AND EXISTING LAW

- . Under Section 12025 P.C., it is a misdemeanor or a felony for a person to carry a concealable weapon on his or her person or concealed in a vehicle unless the person has a license to carry a concealed weapon pursuant to Section 12050 P.C.
- . This bill would permit persons to carry concealable weapons within a motor vehicle if the weapons are locked in the vehicle's trunk or carried in a locked container, as defined, in the rear of the vehicle other than in the glove compartment.
- . The bill would authorize the carrying of a concealable firearm in a locked container to or from a motor vehicle and a person's place of business, residence, the place of repair, or place of purchase if the vehicle is within 200 feet of the residence, business, or place of purchase or repair of the firearm.

II. BACKGROUND

Both law enforcement agencies and gun owners have requested relief from some aspects of carrying concealable firearms in compliance with existing laws. Presently, for example, a citizen can carry such a weapon unloaded but exposed such as on the car seat. When stopping, however, the individual faces the dilemma of what to do with the gun. He or she can't carry it on the person concealed unless in possession of a license to carry a concealed firearm. The law does permit the person to carry the firearm exposed in a belt holster or leave it exposed on the car seat. These are not reasonable alternatives because openly carrying a concealable firearm in public invites suspicion and generates fear or even a violent reaction while leaving a gun exposed on a car seat invites a break-in. Also, the bill addresses the carrying of a concealable firearm from a vehicle into a home or business where it may be legally possessed or from a home or business to a vehicle by allowing persons to carry the firearm in a locked box. This would eliminate the fear produced by weapons carried exposed in a holster or in one's hand.

### III. IMPACT OF THE BILL

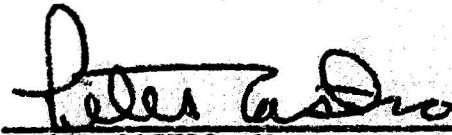
The bill would have only a minor impact on DOJ if passed. It would require amending the Dangerous Weapons Control Laws booklet, an information bulletin to inform law enforcement and an Amendment to the California Firearms Laws booklet. As with any new weapons law, it would generate inquiries from law enforcement agencies and the public adding slightly to DOJ workload.

### IV. RECOMMENDATION


AP - approve in principle. The bill's provisions offer reasonable solutions to problems people have experienced when carrying concealable weapons in compliance with current laws.

Technically, both the bill and Section 12026 P.C. should be amended to add to excepted classes those prescribed by Section 12021, 12024, and Section 8100 of the Welfare and Institutions Code to eliminate any possibility of confusion over legislative intent.

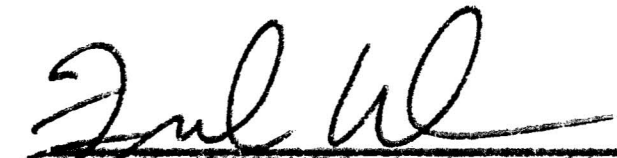
APPROVED:

  
 \_\_\_\_\_  
 PETER CASTRO, Manager  
 Automated Systems Program

5/15/86  
 Date

  
 \_\_\_\_\_  
 ROBERT W. DRAKE, Chief  
 Bureau of Justice  
 Information Services

5-16-86  
 Date

  
 \_\_\_\_\_  
 FRED H. WYNBRANDT, Assistant Director  
 Criminal Identification and  
 Information Branch

5-22-86  
 Date

cc: G. W. Clemons, Assistant Director  
 Division of Law Enforcement

JUN 25 1986

**JOHN K. VAN DE KAMP**  
Attorney General

State of California  
**DEPARTMENT OF JUSTICE**

P. O. Box 944255  
Sacramento 94244-2550

1515 X STREET,  
SACRAMENTO  
(91

June 23, 1986

Honorable Ed Davis  
Senator, 19th District  
State Capitol, Room 2048  
Sacramento, CA 95814

**SB 1787 - Concealable Firearms**

Dear Senator Davis:

The Attorney General's Office supports SB 1787.

This bill eliminates ambiguities and inconsistencies in existing law regarding the transportation of concealable firearms. Penal Code section 12025 presently prohibits the carrying of a concealed firearm within a vehicle unless the individual has a concealed weapons permit. Thus in theory an individual who wishes to transport a handgun must carry it unloaded and exposed, such as on the car seat. While this would comply with the letter of existing law, such conduct would needlessly arouse suspicion or alarm when observed.

SB 1787 clarifies that firearms may be transported within motor vehicles if either (1) locked in the trunk or (2) carried in a locked container in the rear of the vehicle. Either alternative offers a more common sense approach than current law provides.

While we support the bill as drafted, we do suggest the technical amendments detailed in the attached analysis. If we could be of further assistance in supporting the measure, please let me know.

Very truly yours,

  
JOHN K. VAN DE KAMP  
Attorney General

  
ALLEN SUMNER  
Senior Assistant Attorney General

AS:mbw

Attach.