

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Larry Stirling, Chair

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BILL NO.: SB 1787

FISCAL: NO

URGENCY: NO

**HEARING
DATE:** 7/7/86

CONSULTANT: Jeffrey P. Rul

BILL NO.: Senate Bill 1787 (as amended April 17, 1986)

AUTHOR: DAVIS

SUBJECT: SHOULD CARRYING A CONCEALABLE FIREARM IN A CAR BE ALLOWED WITHOUT A PERMIT WHEN THE UNLOADED WEAPON IS IN THE TRUNK AND LOCKED IN A SECURE BOX?

PRIOR ACTION

Senate Judiciary: 7 ayes; 0 noes
Senate Floor: 34 ayes; 0 noes

DIGEST

Current law allows certain peace officers and licensed persons to carry a firearm without a concealed weapon permit. It also specifies circumstances when a firearm may be carried in public or in a vehicle without a permit.

This bill would additionally allow the carrying of a firearm when it was unloaded and locked in a vehicle trunk or in a locked box within the truck or rear of the vehicle, excluding "the utility or glove compartment" without a permit.

The bill also permits transport in the locked box to and from the vehicle for specified purposes.

COMMENTS

- 1) Purpose to Encourage Safe Transport. The author wants to clarify the law of transporting handguns so that persons can safely transport firearms for legal purposes.
- 2) Open Transport Permitted Now. Under current law, the only legal way to transport an assembled handgun, except for specified purposes such as hunting or target practice, is to transport the weapon openly on the car dash or seat (see, for example, Penal Code Section 12025(c): "Firearms carried openly in belt holsters are not concealed within the meaning of this section . . .").

The author hopes to encourage the transport of these weapons locked away from immediate access of the vehicle occupant.

- 3) Bill Contains Arbitrary Limits. An incidental goal of the author is to simplify and clarify current law, however, the drafting of the bill gives rise to new ambiguities and uncertainties:

- a) Only for Certain Purposes. The bill allows transport of the handgun in a locked box to or from the vehicle only if within a certain distance of the "person's place of residence or business, or the place of purchase or repair . . ."

Why not allow such transport for any lawful purpose?

Why should it be legal to take the gun box to the place of purchase, but not to a place to sell it?

Why limit the purpose for boxed transport when the person could legally carry it anywhere openly?

- b) 200-Foot Limit. The rationale for limiting the distance between the person's car and the ultimate destination to 200 feet is unclear.

Under this bill, if the car is parked 210 feet away, the conduct is a misdemeanor.

Why should a particular distance be the basis for criminality?

- c) Locked vs. Secure Container. Under this bill, the handgun contained must be "locked by a padlock, keylock, combination lock or similar locking device."

Consequently, a box secured by rope or a snap or a taped carton would be illegal under this bill.

The requirement of a locking "device" is questionable in cases where the container is secure and perhaps even less accessible than with a key lock.

- 4) Where Does the Container Go In A Pickup Truck? Under this bill, the handgun container must be in the trunk or "in the rear of the vehicle."

- a) Must the container be in the trunk if the vehicle has a trunk?

- b) What, precisely, is the rear of the vehicle? May the case be in the passenger compartment, accessible to the driver? In a pickup truck, should the container be in the cab or on the truck bed?

- 5) Should All Transport Require Casing? The author may wish to consider requiring that all unlicensed handguns be locked in a box in the trunk.

If persons may legally carry the weapon on the car dashboard, what incentive is there to use a gun case?

- 6) Department of Justice Suggested Technical Amendment. The Department of Justice has suggested technical, cross-referencing amendments. The author resists the amendments noting that they are unnecessary and possibly confusing.

- 7) Competing Legislation. Earlier this year, the committee approved a similar bill (AB 4058, Vicencia) which amends a different section of law and is drafted in a more inclusive manner.

Should this bill be made to conform with AB 4058?

SOURCE: Author

SUPPORT: Californians Against Handgun Violence
Attorney General's Office

OPPOSITION: None on file

ASSEMBLY THIRD READING

SB 1787 (Davis) - As Amended: August 12, 1986

SENATE VOTE: 34-0

ASSEMBLY ACTIONS:

COMMITTEE _____ PUB. S. _____ VOTE 7-0 COMMITTEE _____ VOTE _____

Ayes:

Ayes:

Nays:

Nays:

DIGEST

Current law allows certain peace officers and licensed persons to carry a firearm without a concealed weapon permit. It also specifies circumstances when a firearm may be carried in public or in a vehicle without a permit.

This bill:

- 1) Additionally, allows the carrying of a firearm without a permit when it is unloaded and locked in a vehicle trunk or in a locked container within the trunk or in the vehicle, excluding "the utility or glove compartment."
- 2) Permits transport in the locked container to and from the vehicle for any lawful purpose.

FISCAL EFFECT

None

COMMENTS

- 1) The author wants to clarify the law of transporting handguns so that firearms can be safely transported.
- 2) Under current law, the only way to transport an assembled handgun legally, except for specified purposes such as hunting or target practice, is to transport the weapon openly on the car dash or seat. The author hopes to encourage the transport of these weapons locked away from immediate access of the vehicle's occupant.

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8/14/86:apubs

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