

UNFINISHED BUSINESS

<p>SENATE RULES COMMITTEE</p> <p>Office of Senate Floor Analyses 1100 J Street, Suite 305 445-6614</p>	<p>Bill No. SB 1787</p> <p>Author: Davis (R), et al</p> <p>Amended: 8/12/86</p> <p>Vote Required: Majority</p>
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Committee Votes:

Senate Floor Vote p. 7684, 8/26/86

COMMITTEE: JUDICIARY		
BILL NO.: SB 1787		
DATE OF HEARING: 4-1-86		
SENATORS:	AYE	NO
Doolittle	✓	
Keene	✓	
Marks	✓	
Petris		
Presley	✓	
Richardson		
Roberti	✓	
Torres		
Watson		
Davis (VC)	✓	
Lockyer (Ch)	✓	
TOTAL:	7	0

Senate Bill 1787—An act to add Section 12026.1 to the Penal Code, relating to crime.

Bill presented by Senator Davis.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (38)—Senators Alquist, Ayala, Bergeson, Beverly, Boatwright, Carpenter, Craven, Davis, Deddeh, Dills, Doolittle, Ellis, Foran, Garamondi, Bill Greene, Leroy Greene, Hart, Keene, Lockyer, Maddy, Marks, McCorquodale, Mello, Montoya, Morgan, Nielsen, Petris, Presley, Robbins, Roberti, Rosenthal, Royce, Russell, Seymour, Stiern, Torres, Vuich, and Watson.

NOES (0)—None.

Above bill ordered enrolled.

Assembly Floor Vote: 77-1, 8/21/86

SUBJECT: Concealable weapons

SOURCE: Author

DIGEST: This bill would permit the transporting or carrying of a concealable firearm without a license, under certain conditions.

Assembly Amendments delete Senate version language allowing the firearm to be carried by a person from his or her car, which is within 200 feet, to his or her residence or business, or the place where he bought or had the firearm repaired and inserts instead "for any lawful purpose".

ANALYSIS: Under existing law, any person who carries a concealable firearm upon the person or within any vehicle which is under the person's direction, without having a license to carry that firearm, is guilty of a misdemeanor unless that firearm is within plain sight.

This bill would make specified exemptions to these provisions. Specifically, it would allow the transporting or carrying of a concealable firearm without a license where:

1. The firearm is transported within a motor vehicle and is locked in the vehicle's trunk or in a locked container, other than the utility or glove compartment; or
2. The firearm is carried within a locked container by the person directly to or from his car for any lawful purpose.

CONTINUED

3. Defines "locked container" as a fully contained, enclosed container, locked by padlock, key lock, combination or other locking device.

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.

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

SUPPORT: (Verified 8/19/86)

California Rifle and Pistol Association
National Rifle Association
Californians Against Handguns Violence
California Wildlife Federation
Attorney General

ARGUMENTS IN SUPPORT: 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.

SENATE RULES COMMITTEE

Office of
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445-6614

Bill No. SB 1787
Author: Davis (R), et al
Amended: 4/17/86
Vote Required: Majority

Committee Votes:

Senate Floor Vote:

COMMITTEE: JUDICIARY		
BILL NO.: SB 1787		
DATE OF HEARING: 4-1-86		
SENATORS:	AYE	NO
Poolizic	/	
Keene	/	
Marks	/	
Patris		
Freeley	/	
Richardson		
Roberts	/	
Toffes		
Watson		
Davis (VC)	/	
Lockyer (Ch)	/	
TOTAL:	7	0

Assembly Floor Vote:

SUBJECT: Concealable weapons

SOURCE: Author

DIGEST: This bill would permit the transporting or carrying of a concealable firearm without a license, under certain conditions.

ANALYSIS: Under existing law, any person who carries a concealable firearm upon the person or within any vehicle which is under the person's direction, without having a license to carry that firearm, is guilty of a misdemeanor.

This bill would make specified exemptions to these provisions. Specifically, it would allow the transporting or carrying of a concealable firearm without a license where:

1. The firearm is transported within a motor vehicle and is locked in the vehicle's trunk or in a locked container, other than the utility or glove compartment, in the rear of the vehicle; or
2. The firearm is carried within a locked container by the person directly to or from his car, which is within 200 feet, to his residence or business, or the place where he bought or had the firearm repaired.
3. Defines "locked container" as a fully contained, enclosed container, locked by padlock, key lock, combination or other locking device.

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Vote Required: Majority

Committee Votes:

Senate Floor Vote p. 7684, 8/26/86

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NOES (0)—None.
Above bill ordered enrolled.

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ANALYSIS: Under existing law, any person who carries a concealable firearm upon the person or within any vehicle which is under the person's direction, without having a license to carry that firearm, is guilty of a misdemeanor unless that firearm is within plain sight.

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1. The firearm is transported within a motor vehicle and is locked in the vehicle's trunk or in a locked container, other than the utility or glove compartment; or
2. The firearm is carried within a locked container by the person directly to or from his car for any lawful purpose.

CONTINUED

3. Defines "locked container" as a fully contained, enclosed container, locked by padlock, key lock, combination or other locking device.

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