
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 1382 **Hearing Date:** April 17, 2018
Author: Vidak
Version: February 16, 2018
Urgency: No **Fiscal:** No
Consultant: GC

Subject: *Firearms: Vehicle Storage*

HISTORY

Source: Kings County Sheriff

Prior Legislation: SB 497 (Portantino), Ch. 809, Stats. of 2017
SB 869 (Hill), Ch. 651, Stats. of 2016

Support: California State Sheriffs' Association; Firearms Policy Coalition

Opposition: None known

PURPOSE

The purpose of this bill is to expand the provisions permitting the leaving a handgun in a vehicle unattended to include when a firearm is in a locked toolbox or utility box.

Existing law requires every person who is leaving a handgun in an unattended vehicle, lock the handgun in the vehicle's trunk, lock the handgun in a locked container and place the container out of plain view, or lock the handgun in a locked container that is permanently affixed to the vehicle's interior, and a violation of this provision is an infraction punishable by a fine not to exceed \$1,000. (Pen. Code, § 25140, subs. (a) & (b).)

Existing law defines "vehicle" as "a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks." (Pen. Code, § 25140.)

Existing law defines "locked container" as "a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device." A locked container "does not include the utility or glove compartment of a motor vehicle." (Pen. Code, § 25140.)

Existing law provides that a vehicle is unattended when a person who is lawfully carrying or transporting a handgun in a vehicle is not within close enough proximity to the vehicle to reasonably prevent unauthorized access to the vehicle or its contents. (Pen. Code, § 25140.) Existing law exempts a peace officer from this requirement during circumstances requiring immediate aid or action that are within the course of his or her official duties. (Pen. Code, § 25140.)

Existing law states that local ordinances pertaining to handgun storage in unattended cars supersede this section if the jurisdiction had enacted the ordinance before the effective date of this statute. (Pen. Code, § 25140.)

This bill specifies that a person may leave a handgun unattended in a vehicle when it is in a locked toolbox or utility box.

This bill defines “locked toolbox or utility box” as a fully enclosed container that is permanently affixed to the bed or a pickup truck or vehicle that does not contain a trunk, and is locked by a padlock, key lock, combination lock, or other similar locking device.

COMMENTS

1. Need for This Bill

According to the author:

Unfortunately, for many who drive either a pickup truck or vehicle that does not have a trunk, the options under current law to legally and safely store a firearm are quite limited. Peace officers, farmers, ranchers, and other persons who drive a vehicle without a trunk are denied a viable option to store their handgun in an area that is not accessible from the passenger compartment.

2. Transporting Firearms

A U.S. citizen over 18 years of age who is not prohibited from possessing a firearm, and who is a California resident or temporarily in the state, may transport by motor vehicle any handgun provided it is unloaded and locked in the trunk or in a locked container. Furthermore, the handgun must be carried directly to or from any motor vehicle for any lawful purpose and, while being carried must be contained within a locked container.

The term "locked container" means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. This includes the trunk of a motor vehicle, but does not include the utility or glove compartment. (Pen. Code, § 16850.)

Shotguns and rifles are not generally covered by concealed-carry provisions (because they are considered non-concealable) and therefore are not required to be transported in a locked container. But they must be unloaded while they are being transported.

Registered assault weapons may be transported only between specified locations and must also be unloaded and stored in a locked container when transported. (See California Department of Justice Website: (<https://oag.ca.gov/firearms/travel>.)

Following a series of events in recent years involving an increase in incidents of handguns stolen from cars, including handguns stolen from law enforcement vehicles Senator Jerry Hill introduced SB 869, in 2016. Many stolen guns end up being used in violent crimes. In the latter half of 2015, four people were killed with guns stolen from cars; two of the weapons were taken from law enforcement officers' vehicles. For example, in July 2015, a gun stolen from the car of a federal Bureau of Land Management ranger was used to kill a 32-year-old woman at San

Francisco's Pier 14. ([http://abc7news.com/news/rangers-stolen-gun-used-in-sf-pier-14-shooting/835700/.](http://abc7news.com/news/rangers-stolen-gun-used-in-sf-pier-14-shooting/835700/)) In September 2015, a gun stolen from the car of a federal Immigration and Customs Enforcement officer was used in the killing of a muralist in Oakland. (<http://www.sfgate.com/crime/article/Gun-used-to-kill-Oakland-muralist-traced-to-ICE-6657172.php> .) And a weapon stolen from a civilian's vehicle was used to kill a backpacker in Golden Gate Park and a hiker in Marin County. ([http://www.marinij.com/article/NO/20151008/NEWS/151009812.](http://www.marinij.com/article/NO/20151008/NEWS/151009812))

SB 869 (Hill), Ch. 651, Stats. of 2016 further modified and articulated rules for leaving a handgun unattended in a vehicle. SB 869 required the following:

- Required a person, when leaving a handgun in an unattended vehicle, to lock the handgun in the vehicle's trunk or to lock it in a locked container and place the container out of plain view.
- Made a violation of the vehicle-securement requirement an infraction punishable by a fine not exceeding \$1,000.
- Defined "vehicle" as "a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks."
- Defined "locked container" as "a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device." A locked container "does not include the utility or glove compartment of a motor vehicle."
- Provided that a vehicle is unattended when a person who is lawfully carrying or transporting a handgun in a vehicle is not within close enough proximity to the vehicle to reasonably prevent unauthorized access to the vehicle or its contents.
- Exempted peace officers from this requirement during circumstances requiring immediate aid or action that are within the course of his or her official duties.
- Stated that the vehicle-securement requirement does not apply to, or affect, the transportation of unloaded firearms by a person operating a licensed common carrier or an unauthorized agent or employee thereof when the firearms are transported in conformance with applicable federal law.

SB 497 (Portantino) Ch. 809, Stats of 2017 later clarified that peace officers could leave a handgun in an unattended vehicle in a securely locked center console. This bill was thought necessary at the time because not all law enforcement vehicles had lockable trunks. Some law enforcement vehicles were hatch backs, and others were trucks that did not have a lockable trunk.

This bill will expand the concept of SB 497 (Portantino) to the general public so that individuals who are not peace officers can store firearms in their vehicles when their vehicles do not have trunks.

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