

SENATE COMMITTEE ON JUDICIARY
Bill Lockyer, Chairman
1985-86 Regular Session

SB 1787 (Davis)
As amended March 17
Penal Code
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FIREARMS
-PERMISSIVE TRANSPORTING-

HISTORY

Source: Author
Prior Legislation: None
Support: United Sportsmen
Opposition: No Known

KEY ISSUE

SHOULD A PERSON BE PERMITTED TO TRANSPORT A CONCEALABLE FIREARM WHICH IS KEPT IN A LOCKED CONTAINER, AS SPECIFIED?

PURPOSE

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:

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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 to his residence or business, or to where he bought or repaired the firearm.

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

COMMENT

1. Stated need for bill

According to the author's office, 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

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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.

2. No definition of "locked container"

Critical to an analysis of the scope of this bill is the meaning of the term "locked container." However, the bill fails to offer any definition. A broad definition would significantly vitiate California's concealable weapons law.

WOULD A PURSE QUALIFY AS A LOCKED CONTAINER?

SHOULD NOT THE TERM BE DEFINED?

3. Traditional public safety concerns

While law enforcement agencies have not offered any comment on this bill, law enforcement representatives have usually been wary of measures that would increase the risk of a peace officer confronting a gun-carrying citizen.

The proponent understands the concern and states that this bill would not increase the safety risk to the public or law enforcement officers. He reasons that the criminal offender would carry a weapon regardless of this bill.
