

HOW SHOULD I TRANSPORT MY GUNS

(HANDGUNS AND LONG GUNS) FROM POINT



Joe Silvano is an attorney at the law firm of Michel & Associates and specializes in firearms law and criminal defense. He is a co-author of "California Gun Laws" with C.D. Michel and often lectures on firearm law and police interactions.

Some of the most frequent questions we receive involve transporting firearms. Confusion surrounding this issue can lead to criminal charges if a firearm is transported incorrectly.

Before addressing these issues, however, I first need to clarify what will be discussed in this article. I will not be talking about "carry licenses" (or CCW permits) because those are still exceptions to the norm (at least until the *Peruta* case is finalized). And for the most part, this article does not discuss locations where firearm possession is restricted. As a law abiding gun owner, the onus is on you to make sure that it is lawful for you to possess your firearm in any location that you plan to carry or transport the firearm through. If you have any questions about where firearm possession is prohibited/restricted, please read Chapter 7 of Chuck Michel's Book, *California Gun Laws: A Guide to State and Federal Firearm Regulations* (3rd Edition), of which I am a co-author.

I will be talking about how I suggest you transport your firearms, and not about the legal requirements for transportation. What is the difference? In some cases, my suggestions will go beyond the legal requirements. There is a lot of confusion about how a firearm should be transported. I want to avoid this confusion. And going beyond the minimum legal requirements is the best way to put yourself in a legally defensible position if law enforcement or a prosecutor believe that you are transporting your firearms illegally.

Whenever you transport a firearm it should be unloaded. To give yourself extra legal protection, avoid having any ammunition in, on, or near the firearms when it is being transported. To really protect yourself, I suggest removing

the ammunition from every magazine you are transporting and placing the ammunition in a separate bag or container away from the firearm. Do these suggestions go beyond the the legal requirements for carrying a "loaded" firearm? Yes. But for good reason – to avoid getting arrested by a confused officer.

California law defines a "loaded" firearm many different ways depending on the situation. It is easy to confuse these definitions and forget when each applies. You can avoid this confusion easily by transporting your ammunition outside the firearm, outside of the magazine, and in a different container separate from the firearm.

Turning now to the question of how a firearm should be transported, handguns and long guns differ slightly under the law, but not by much in how I suggest transporting them.

Handguns and properly registered "assault weapons" (discussed in the last issue of the *Firing Line*) should be transported in a secure locked container that completely encloses the firearm. The lock should be a key lock, combination lock, padlock or a similar locking device. The container does not need to be hard or rigid, although that doesn't hurt. The container just needs to fully enclose the firearm. When transporting your firearm in a locked container, never leave the key in the lock of the container or leave the combination "dialed in" so the lock can be immediately opened.

Never transport your handgun in the glove compartment of your car. Under California law, a utility or glove compartment is not a "locked container." Far too often, people from outside of

California throw their handguns in their glove compartment and transport the handguns into California, thinking that it must be legal because it is legal for them to transport their firearm in their glove compartment in their home state. But when these individuals get stopped by law enforcement, they quickly find out how much California differs from their home state.

There are a number of exceptions to the restriction on carrying long guns. The most notable exception is when the long gun is transported in a locked container or “encased.” To comply with this exception, I suggest that long guns be transported in the same manner as a handgun, i.e., unloaded and in a locked container.

While the long gun can be transported lawfully in a closed gun case, pursuant to the “encased” exception to the restriction on carrying long guns in public places, I typically suggest carrying them in a locked case because it goes beyond this requirement and allows you to avoid any confusion regarding how to transport the long gun through a “school

zone.” “School zones” are a virtual minefield for firearm owners transporting their firearms. However, one of the exceptions to the federal restriction on transporting a firearm through a “school zone” is when the firearm is transported in a “locked container.” Therefore, I strongly suggest following the heightened requirements of federal law and simply transport your long guns unloaded and in a locked container.

Now that we have nailed down the generalities of how handguns and long guns should be transported, let’s talk about transportation in general. Once you have unloaded your firearm and placed it in a locked container, I suggest that you transport the firearms in your trunk for a number of reasons.

First, it is out of sight. That way if you get stopped by law enforcement or if you have to stop somewhere to eat, use the restroom, or take a break, no one can see the firearm. Also, during a traffic stop, officers feel a little more comfortable if the firearm is not within your reach.

The other benefit of placing your firearm in the trunk is that a trunk

also qualifies as a “locked container.” I advise you to use a separate locked container in addition to your trunk to transport your firearms because if you only use a trunk as your “locked container” and you take the firearm out of the trunk it is no longer in a “locked container” meaning police might think you are violating California law.

If your vehicle doesn’t have a trunk, for instance a truck, hatchback, or SUV, then you should transport the firearm in its locked container as far away from the driver (and any other occupants) as possible. And nothing prevents you from covering the locked case with a blanket or other cover.

Lastly, when transporting firearms, you should avoid making any side trips. I strongly suggest that you go directly to and come back directly from the location where the firearm will be lawfully used and/or possessed (i.e., the range, gunsmith/dealer, or hunting location). Multiple side trips increase your risk of encountering problems (e.g., getting pulled over, having the firearm lost/stolen, etc.).

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