



INFORMATION BULLETIN:

LEAVING HANDGUNS IN UNATTENDED VEHICLES

OCTOBER 28, 2020

As the number of individuals with a valid CCW in California continues to grow, CRPA has been receiving an equally growing number of questions from its members concerning the laws of leaving a CCW handgun in one's vehicle. Why would a CCW holder need to leave their handgun in their vehicle, you may ask? Well, one common reason is visiting a location where the carrying or possession of a handgun is prohibited, such as a federal courthouse or other federal facility where federal employees regularly work. In such places, a person's CCW may not be legally recognized, or the mere possession of a handgun (legally carried or otherwise) is strictly prohibited.

The following information has been prepared to address this question and to provide our members and California gun owners with some additional considerations in such situations. If you have additional questions regarding the issues discussed in this bulletin, be sure to contact an experienced firearms attorney.

I. Leaving Handguns in Unattended Vehicles

Following the tragic death of Kate Steinle, who was killed by a transient armed with a handgun stolen from an unattended police vehicle, the California Legislature adopted a new law in 2016 placing specific requirements on individuals who leave their handgun in an unattended vehicle. This law requires any person who leaves their handgun in an unattended vehicle to take one of the following steps:

- Lock the handgun in the vehicle's trunk;
- Lock the handgun in a locked container and place the container out of plain view;
- Lock the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view; or,
- Lock the handgun in a locked toolbox or utility box.¹

For purposes of the above, a vehicle is considered "unattended" when its owner is "not within close enough proximity to the vehicle to reasonably prevent unauthorized access to the vehicle or its contents."²

¹ Pen. Code § 25140(a).

² Pen. Code § 25140(d)(2).

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Beyond this, there is no further guidance as to when a vehicle is considered “unattended.” Any violation of the above is punishable by a fine not exceeding \$1,000.³

a. “Trunk,” “Locked Container,” and “Locked Toolbox or Utility Box”

The above requirements discuss several different types of containers that can be used. A “trunk” is a “fully enclosed and locked main storage or luggage compartment of a vehicle that is not accessible from the passenger compartment” but “does not include the rear of a hatchback, station wagon, or sport utility vehicle, any compartment which has a window, or a toolbox or utility box attached to the bed of a pickup truck.”⁴ In other words, this option may not be available to you depending on your particular vehicle.

A “locked container” has the same meaning in the context of transporting firearms. Specifically, a “locked container” is defined as “a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device” but “does not include the utility or glove compartment of a motor vehicle.”⁵ In other words, should you choose to lock your handgun in a locked container, the container must be one that is separate from the vehicle’s interior compartments.

Finally, a “locked toolbox or utility box” is defined as a “fully enclosed container that is permanently affixed to the bed of a pickup truck or vehicle that does not contain a trunk, and is locked by a padlock, keylock, combination lock, or other similar locking device.”⁶ This definition appears to cover motorcycles equipped with permanently affixed paniers or similar storage compartments, as well as other vehicles lacking a trunk, provided the container is “permanently affixed” to the vehicle somehow.

b. “Plain View”

Any “locked container” must be placed out of “plain view,” defined as “any area of the vehicle that is visible by peering through the windows of the vehicle, including windows that are tinted, with or without illumination.”⁷ What is expressly required here is not clear, so take care to ensure the container is in no way visible to a person outside the vehicle.

Depending on its size and shape, it may be possible to place the container in one of the vehicle’s interior compartments as a means of placing the container out of plain view. Just remember that you cannot use the compartment itself as a means of locking the handgun. What’s more, discreet containers such as backpacks are insufficient because the container itself must be placed out of plain view.

³ Pen. Code § 25140(c).

⁴ Pen. Code § 25140(d)(1)(D).

⁵ Pen. Code § 25140(d)(1)(A).

⁶ Pen. Code § 25140(d)(1)(B).

⁷ Pen. Code § 25140(d)(3).

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II. PRACTICAL CONSIDERATIONS

If you find yourself in a situation where you must leave your handgun in an unattended vehicle, you should take extreme care when unholstering and storing your firearm. Should you be seen by another person doing so, it is very likely to result in a response from law enforcement. While the situation may ultimately be resolved, your CCW permit may be suspended or revoked following a review by your issuing agency. What's more, you may be forced to defend yourself in court should you be suspected of brandishing your firearm, forcing you to spend thousands of dollars to hire an attorney.

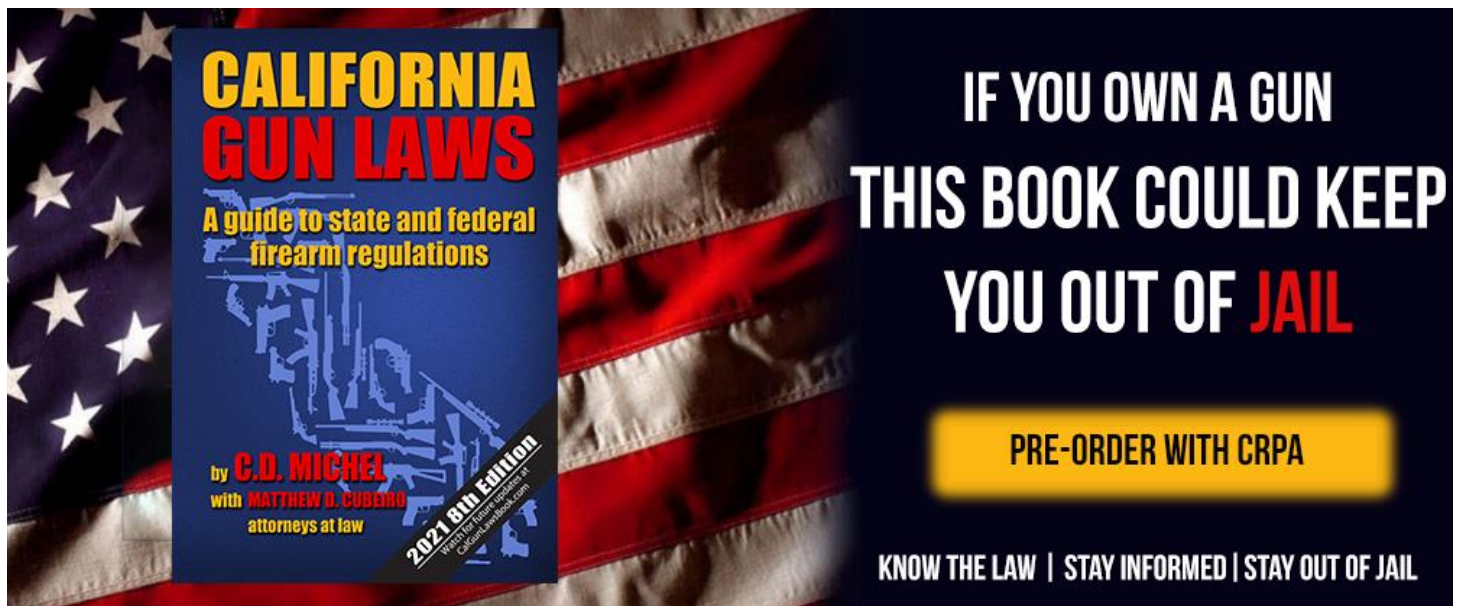
As a result, consider storing your handgun prior arrival while in a private area not visible to members of the public. Alternatively, take extreme care when unholstering to minimize the visibility of the handgun while transferring it to a locked container.

It should be noted that the above requirements do not mandate the handgun be unloaded while stored in an unattended vehicle. From a practical standpoint, this helps minimize the potential visibility when transferring the handgun to a container or back to a holster. Finally, if using the "locked container" option, the container itself does not need to be "permanently affixed" to the vehicle, as this is superfluous to the option that only requires the container be placed out of "plain view."

For More Information

All the above, including much more, is discussed in the upcoming 8th Edition of California Gun Laws, now available for preorder on CRPA's website. Should you have additional questions, be sure to consult with an experienced firearms attorney.

www.crpa.org/store



The image features a promotional banner for the book "California Gun Laws". On the left is the book cover, which has a blue background with a white silhouette of a handgun. The title "CALIFORNIA GUN LAWS" is in large, bold, yellow and red letters. Below the title, it says "A guide to state and federal firearm regulations". The authors are listed as "by C.D. MICHEL with MATTHEW D. CUBEIRO attorneys at law". A diagonal banner on the cover reads "2021 8th Edition" and "Visit the online updates at CaliforniaGunBook.com". To the right of the book cover, the text "IF YOU OWN A GUN THIS BOOK COULD KEEP YOU OUT OF JAIL" is displayed in large, white, bold letters. Below this text is a yellow button that says "PRE-ORDER WITH CRPA". At the bottom right of the banner, it says "KNOW THE LAW | STAY INFORMED | STAY OUT OF JAIL". The background of the banner is a close-up of an American flag.

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