

Safe Firearm Storage Ordinance

The State of California has codified the Criminal Storage of Firearms in California Penal Code Sections 25100 – 25140 (inclusive). The California Penal Code Section specifically related to firearm storage in the home (section 25100) is geared toward preventing those under the age of 18 years from having access to a firearm.

The following is meant to serve as a general safety ordinance without regard for the age of the unauthorized person or persons gaining access to the stored firearm.

Section 1.

(a) As used in this section:

- (1) A “FIREARM” as defined by California Penal Code Section 16520 is a device designed to be used as a weapon where a projectile is expelled through a barrel by the force of an explosion or other form of combustion. Notably, this also includes a rocket, rocket-propelled projectile launcher, or similar device containing explosive or incendiary material, whether or not it's designed for emergency or distress signaling purposes.
- (2) A “LOCKED CONTAINER” as defined in California Penal Code Section 25140 is a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar device. The term does not include the utility or glove compartment of a motor vehicle.
- (3) A “LOCKING DEVICE” as defined in California Penal Code Section 16860 is a device that is designed to prevent a firearm from functioning and, when applied to the firearm, renders the firearm inoperable.
- (4) A “LOADED” firearm as defined by California Penal Code Section 16840(b)(1) is when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm.
- (5) An “UNLOADED” firearm is defined as a firearm that is not LOADED as defined in subsection (a)(4).

(b) It shall be an offense for a person to store or keep any firearm on any premise unless the firearm is:

- (1) Unloaded and in a locked container; or
- (2) Unloaded and affixed with a locking device; or

(3) Carried on the person, or otherwise in the immediate possession of a person in accordance with all applicable laws.

(c) Subsection (b) shall NOT apply to:

(1) A loaded firearm stored in a locked container that is immovable due to being attached to a premise to the extent its removal would require mechanical intervention to detach it from the premise (e.g., a wall safe or floor safe); or

(2) A loaded firearm stored in a locked container that is immovable without mechanical intervention (e.g., hydraulic lift, crane, dolly) due to size and weight (e.g., a gun safe); or

(3) A firearm stored or kept on premises owned or under the control of a law enforcement agency; or

(4) A firearm stored or kept on the business premise of a federally licensed firearms dealer.

(d) A violation of subsection (b) is punishable by a fine not to exceed \$750.00 for a first offense and not to exceed \$2,000.00 for a subsequent offense.

(e) No portion of this ordinance, in part or in whole, grants law enforcement the authority to conduct an investigation solely to determine compliance with the ordinance.

(f) No portion of this ordinance, in part or in whole, negates the requirements to abide by California Penal Code Sections 25100 – 25140 (inclusive).