

25000. "Child" defined

As used in this division, "child" means a person under 18 years of age.

History:

Added by Stats 2010 ch 711 (SB 1080),s 6, eff. 1/1/2011, op. 1/1/2012.

25100. Criminal storage of firearm

(a) Except as provided in Section 25105, a person commits the crime of "criminal storage of a firearm in the first degree" if all of the following conditions are satisfied:

(1) The person keeps any firearm within any premises that are under the person's custody or control.

(2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, or that a person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law is likely to gain access to the firearm.

(3) The child obtains access to the firearm and thereby causes death or great bodily injury to the child or any other person, or the person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law obtains access to the firearm and thereby causes death or great bodily injury to themselves or any other person.

(b) Except as provided in Section 25105, a person commits the crime of "criminal storage of a firearm in the second degree" if all of the following conditions are satisfied:

(1) The person keeps any firearm within any premises that are under the person's custody or control.

(2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, or that a person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law is likely to gain access to the firearm.

(3) The child obtains access to the firearm and thereby causes injury, other than great bodily injury, to the child or any other person, or carries the firearm either to a public place or in violation of Section 417, or the person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law obtains access to the firearm and thereby causes injury, other than great bodily injury, to themselves or any other person, or carries the firearm either to a public place or in violation of Section 417.

(c) Except as provided in Section 25105, a person commits the crime of "criminal storage of a firearm in the third degree" if the person keeps any firearm within any premises that are under the person's custody or control and negligently stores or leaves a firearm in a location where the person

knows, or reasonably should know, that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, unless reasonable action is taken by the person to secure the firearm against access by the child.

History:

Amended by Stats 2019 ch 840 (SB 172),s 6, eff. 1/1/2020. Amended by Stats 2013 ch 758 (SB 363),s 1.5, eff. 1/1/2014. Amended by Stats 2013 ch 730 (AB 231),s 1, eff. 1/1/2014. Added by Stats 2010 ch 711 (SB 1080),s 6, eff. 1/1/2011, op. 1/1/2012.

25105. Applicability

Section 25100 does not apply whenever any of the following occurs:

- (a) The child obtains the firearm as a result of an illegal entry to any premises by any person.
- (b) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (c) The firearm is carried on the person or within close enough proximity thereto that the individual can readily retrieve and use the firearm as if carried on the person.
- (d) The firearm is locked with a locking device, as defined in Section 16860, which has rendered the firearm inoperable.
- (e) The person is a peace officer or a member of the Armed Forces or the National Guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
- (f) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person.
- (g) The person who keeps a firearm on premises that are under the person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

History:

Amended by Stats 2019 ch 840 (SB 172),s 7, eff. 1/1/2020. Amended by Stats 2011 ch 296 (AB 1023),s 229, eff. 1/1/2012. Amended by Stats 2011 ch 285 (AB 1402),s 26, eff. 1/1/2012, op. 1/1/2012. Added by Stats 2010 ch 711 (SB 1080),s 6, eff. 1/1/2011, op. 1/1/2012.

25110. Punishment

(a) Criminal storage of a firearm in the first degree is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years, by a fine not exceeding ten thousand dollars (\$10,000), or by both that imprisonment and fine; or by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) Criminal storage of a firearm in the second degree is punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) Criminal storage of a firearm in the third degree is punishable as a misdemeanor.

History:

Amended by Stats 2013 ch 730 (AB 231),s 2, eff. 1/1/2014. Amended by Stats 2011 ch 39 (AB 117),s 68, eff. 6/30/2011. Amended by Stats 2011 ch 15 (AB 109),s 541, eff. 4/4/2011, but operative no earlier than October 1, 2011, and only upon creation of a community corrections grant program to assist in implementing this act and upon an appropriation to fund the grant program. Added by Stats 2010 ch 711 (SB 1080),s 6, eff. 1/1/2011, op. 1/1/2012.

25115. Prosecution of parent or guardian of child

If a person who allegedly violated Section 25100 is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the district attorney shall consider, among other factors, the impact of the injury or death on the person alleged to have violated Section 25100 when deciding whether to prosecute the alleged violation. It is the Legislature's intent that a parent or guardian of a child who is injured or who dies as the result of an accidental shooting shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner or where similarly egregious circumstances exist. This section shall not otherwise restrict, in any manner, the factors that a district attorney may consider when deciding whether to prosecute an alleged violation of Section 25100.

History:

Added by Stats 2010 ch 711 (SB 1080),s 6, eff. 1/1/2011, op. 1/1/2012.

25120. Arrest of parent or guardian of child

(a) If a person who allegedly violated Section 25100 is the parent or guardian of a child who was injured or who died as the result of an accidental shooting, no arrest of the person for the alleged violation of Section 25100 shall occur until at least seven days after the date upon which the accidental shooting occurred.

(b) In addition to the limitation stated in subdivision (a), before arresting a person for a violation of Section 25100, a law enforcement officer shall consider the health status of a child who suffered great bodily injury as the result of an accidental shooting, if the person to be arrested is the parent or guardian of the injured child. The intent of this section is to encourage law enforcement officials to delay the arrest of a parent or guardian of a seriously injured child while the child remains on life-support equipment or is in a similarly critical medical condition.

History:

Added by Stats 2010 ch 711 (SB 1080),s 6, eff. 1/1/2011, op. 1/1/2012.

25125. Mitigating factor

(a) The fact that a person who allegedly violated Section 25100 attended a firearm safety training course prior to the purchase of the firearm that was obtained by a child in violation of Section 25100 shall be considered a mitigating factor by a district attorney when deciding whether to prosecute the alleged violation.

(b) In any action or trial commenced under Section 25100, the fact that the person who allegedly violated Section 25100 attended a firearm safety training course prior to the purchase of the firearm that was obtained by a child in violation of Section 25100 is admissible.

History:

Added by Stats 2010 ch 711 (SB 1080),s 6, eff. 1/1/2011, op. 1/1/2012.

25130. Posting of notice

Every person licensed under Sections 26700 to 26915, inclusive, shall post within the licensed premises the notice required by Section 26835, disclosing the duty imposed by this chapter upon any person who keeps a loaded firearm.

History:

Added by Stats 2010 ch 711 (SB 1080),s 6, eff. 1/1/2011, op. 1/1/2012.

25135. Restriction of possession of firearm in residence

(a) A person who is 18 years of age or older, and who is the owner, lessee, renter, or other legal occupant of a residence, who owns a firearm **and who knows or has reason to know that another person also residing therein is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm** shall not keep in that residence any firearm that he or she owns unless one of the following applies:

(1) The firearm is maintained within a locked container.

(2) The firearm is disabled by a firearm safety device.

(3) The firearm is maintained within a locked gun safe.

(4) The firearm is maintained within a locked trunk.

(5) The firearm is locked with a locking device as described in Section 16860, which has rendered the firearm inoperable.

(6) The firearm is carried on the person or within close enough proximity thereto that the individual can readily retrieve and use the firearm as if carried on the person.

(b) A violation of this section is a **misdemeanor**.

(c) The provisions of this section are cumulative, and do not restrict the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

History:

Added by Stats 2013 ch 737 (AB 500),s 7, eff. 1/1/2014.

25140. Leaving handgun in unattended vehicle

(a) Except as otherwise provided in subdivision (b), a person shall, when 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, 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.

(b) A peace officer, when leaving a handgun in an unattended vehicle not equipped with a trunk, may, if unable to otherwise comply with subdivision (a), lock the handgun out of plain view within the center utility console of that motor vehicle with a padlock, keylock, combination lock, or other similar locking device.

(c) A violation of subdivision (a) is an infraction punishable by a fine not exceeding one thousand dollars (\$1,000).

(d)

(1) As used in this section, the following definitions shall apply:

(A) "Locked container" means a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device. The term "locked container" does not include the utility or glove compartment of a motor vehicle.

(B) "Locked toolbox or utility box" means 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.

(C) "Peace officer" means a sworn officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or a sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of that officer's duties, while that officer is on duty or off duty.

(D) "Trunk" means the fully enclosed and locked main storage or luggage compartment of a vehicle that is not accessible from the passenger compartment. A trunk 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.

(E) "Vehicle" has the same meaning as specified in Section 670 of the Vehicle Code.

**CA Pen. Sec. 25140 Leaving handgun in unattended vehicle
(California Code (2023 Edition))**

(2) For purposes of this section, 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.

(3) For purposes of this section, plain view includes 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.

(e) This section does not apply to a peace officer during circumstances requiring immediate aid or action that are within the course of his or her official duties.

(f) This section does not supersede any local ordinance that regulates the storage of handguns in unattended vehicles if the ordinance was in effect before September 26, 2016.

History:

Amended by Stats 2018 ch 94 (SB 1382),s 1, eff. 1/1/2019. Amended by Stats 2017 ch 809 (SB 497),s 1, eff. 1/1/2018. Added by Stats 2016 ch 651 (SB 869),s 1, eff. 1/1/2017.

25200. Unlawful storage of firearm where child gains access to that firearm

(a) If all of the following conditions are satisfied, a person shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine:

(1) The person keeps a firearm, loaded or unloaded, within any premises that are under the person's custody or control.

(2) The person knows or reasonably should know that a child is likely to gain access to that firearm without the permission of the child's parent or legal guardian, or that a person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law is likely to gain access to the firearm.

(3) The child or the prohibited person obtains access to that firearm and thereafter carries that firearm off-premises.

(b) If all of the following conditions are satisfied, a person shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding five thousand dollars (\$5,000), or by both that imprisonment and fine:

(1) The person keeps any firearm within any premises that are under the person's custody or control.

(2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, or that a person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law is likely to gain access to the firearm.

(3) The child or the prohibited person obtains access to the firearm and thereafter carries that firearm off-premises to any public or private preschool, elementary school, middle school, high school, or to any school-sponsored event, activity, or performance, whether occurring on school grounds or elsewhere.

(c) A firearm that a child or prohibited person gains access to and carries off-premises in violation of this section shall be deemed "used in the commission of any misdemeanor as provided in this code or any felony" for the purpose of Section 29300 regarding the authority to confiscate firearms and other deadly weapons as a nuisance.

CA Pen. Sec. 25200 Unlawful storage of firearm where child gains access to that firearm (California Code (2023 Edition))

(d) As used in this section, "off-premises" means premises other than the premises where the firearm was stored.

History:

Amended by Stats 2019 ch 840 (SB 172),s 8, eff. 1/1/2020. Amended by Stats 2013 ch 758 (SB 363),s 2, eff. 1/1/2014. Added by Stats 2010 ch 711 (SB 1080),s 6, eff. 1/1/2011, op. 1/1/2012.

25205. Applicability

Section 25200 does not apply if any of the following are true:

- (a) The child obtains the firearm as a result of an illegal entry into any premises by any person.
- (b) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (c) The firearm is locked with a locking device, as defined in Section 16860, which has rendered the firearm inoperable.
- (d) The firearm is carried on the person within close enough range that the individual can readily retrieve and use the firearm as if carried on the person.
- (e) The person is a peace officer or a member of the Armed Forces or National Guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
- (f) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person.
- (g) The person who keeps a firearm has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

History:

Added by Stats 2010 ch 711 (SB 1080),s 6, eff. 1/1/2011, op. 1/1/2012.

**CA Pen. Sec. 25210 Prosecution of parent or guardian of child
who is injured or dies as result of accidental shooting (California
Code (2023 Edition))**

**25210. Prosecution of parent or guardian of child who is injured
or dies as result of accidental shooting**

If a person who allegedly violated Section 25200 is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the district attorney shall consider, among other factors, the impact of the injury or death on the person alleged to have violated Section 25200 when deciding whether to prosecute the alleged violation. It is the Legislature's intent that a parent or guardian of a child who is injured or who dies as the result of an accidental shooting shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner or where similarly egregious circumstances exist. This section shall not otherwise restrict, in any manner, the factors that a district attorney may consider when deciding whether to prosecute alleged violations of Section 25200.

History:

Added by Stats 2010 ch 711 (SB 1080), s 6, eff. 1/1/2011, op. 1/1/2012.

CA Pen. Sec. 25215 Arrest of parent or guardian of child who was injured or who dies as result of accidental shooting (California Code (2023 Edition))

25215. Arrest of parent or guardian of child who was injured or who dies as result of accidental shooting

(a) If a person who allegedly violated Section 25200 is the parent or guardian of a child who was injured or who died as the result of an accidental shooting, no arrest of the person for the alleged violation of Section 25200 shall occur until at least seven days after the date upon which the accidental shooting occurred.

(b) In addition to the limitation contained in subdivision (a), before arresting a person for a violation of Section 25200, a law enforcement officer shall consider the health status of a child who suffers great bodily injury as the result of an accidental shooting, if the person to be arrested is the parent or guardian of the injured child. The intent of this section is to encourage law enforcement officials to delay the arrest of a parent or guardian of a seriously injured child while the child remains on life-support equipment or is in a similarly critical medical condition.

History:

Added by Stats 2010 ch 711 (SB 1080), s 6, eff. 1/1/2011, op. 1/1/2012.

25220. Mitigating factor

(a) The fact that the person who allegedly violated Section 25200 attended a firearm safety training course prior to the purchase of the firearm that is obtained by a child in violation of Section 25200 shall be considered a mitigating factor by a district attorney when deciding whether to prosecute the alleged violation.

(b) In any action or trial commenced under Section 25200, the fact that the person who allegedly violated Section 25200 attended a firearm safety training course prior to the purchase of the firearm that was obtained by a child in violation of Section 25200 is admissible.

History:

Added by Stats 2010 ch 711 (SB 1080),s 6, eff. 1/1/2011, op. 1/1/2012.

25225. Posting of notice

Every person licensed under Sections 26700 to 26915, inclusive, shall post within the licensed premises the notice required by Section 26835, disclosing the duty imposed by this chapter upon any person who keeps any firearm.

History:

Added by Stats 2010 ch 711 (SB 1080),s 6, eff. 1/1/2011, op. 1/1/2012.