

## CHIEF OF DETECTIVES

### **NOTICE**

1.8

August 13, 2018

**TO:** All Concerned Personnel

**FROM:** Chief of Detectives

**SUBJECT:** SENATE BILL1382 – SAFE STORAGE OF HANDGUNS IN UNATTENDED VEHICLES - REVISED

This Notice supersedes Chief of Detectives Notice titled, *Safe Storage of Handguns in Unattended Vehicles – Revised*, dated March 19, 2018. California Penal Code (PC) Section 25140 requires persons, to include peace officers and honorably retired peace officers, to lock a handgun in their vehicle when left unattended. California Penal Code Section 25140 (a) defines locking a handgun in an unattended vehicle by the following means:

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

**Note:** Penal Code Section 25140 (b) defines "Locked toolbox or utility box" 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.

On January 1, 2018, Penal Code Section 25140 was revised to allow, "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 console of that motor vehicle with a padlock, keylock, combination lock, or other similar locking device."

Effective January 1, 2019, Penal Code Section 25140 (a) adds locking the handgun in a locked toolbox or utility box as defined above.

Although Penal Code Section 25140 provides an exemption for peace officers during circumstances requiring immediate aid or action within the course of their official duties, Department personnel should continue to properly secure firearms whenever possible.

All Concerned Personnel

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Should you have any questions regarding this matter, please contact the Officer-in-Charge, Gang Support Section, Gang and Narcotics Division, at (213) 486-5330.



SEAN W. MALINOWSKI, Deputy Chief  
Chief of Detectives

APPROVED:



BOB GREEN, Deputy Chief  
Chief of Staff  
Office of the Chief of Police

DISTRIBUTION "D"

Attachment



Expectations

*Focus on Violent Crime Reduction*

*Lead from the Front*

*Provide Professional Service*

*Keep a Positive Attitude*

*Act with Credibility and Integrity*

*A note from... Captain Stephen M. Carmona*

Commanding Officer  
Los Angeles Police Department  
Gang and Narcotics Division

July 31, 2018

Deputy Chief Sean Malinowski  
Chief of Detectives

**SUBJECT: SENATE BILL 1382 – SAFE STORAGE OF HANDGUNS IN  
UNATTENDED VEHICLES**

As directed by Detective Bureau, Gang and Narcotics Division (GND) reviewed Assembly Bill 1382 – Safe Storage of Handguns in Unattended Vehicles, which will take effect on January 1, 2019. This badge note is GND's response on what action needs to be taken.

Existing law requires a person, when leaving a handgun in an unattended vehicle, to lock the handgun in the vehicle's trunk, lock the handgun in a locked container and place the container out of plain view, or lock the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view.

Senate Bill 1382 will amend Penal Code Section 25140 and additionally authorizes locking the handgun in a toolbox or utility box. The bill defines "toolbox or utility box" 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.

GND has prepared a Chief of Detectives (COD) Notice (attached), which notifies all concerned Department personnel of the change and revises the prior COD Notice from March 19, 2018.

If you have any questions, please feel free to call me.

*SAC*  
Steve  
Attachment

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### SB-1382 Firearms: vehicle storage. (2017-2018)

#### SECTION 1. Section 25140 of the Penal Code is amended to read:

**25140.** (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, ~~or~~ lock the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain ~~view~~; *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.*

~~(B)~~ (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.

~~(C)~~ (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.

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

(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.

## CHIEF OF DETECTIVES

**NOTICE**  
**8.4**

**March 19, 2018**

**TO: All Sworn Personnel**

**FROM: Chief of Detectives**

**SUBJECT: SAFE STORAGE OF HANDGUNS IN UNATTENDED VEHICLES -  
REVISED**

This Notice supersedes Chief of Detectives Notice titled, *New and Revised Laws Regarding the Safe Storage of Handguns in Unattended Vehicles*, dated December 7, 2016. California Penal Code Section 25140 requires persons, to include peace officers and honorably retired peace officers, to lock a handgun in their vehicle when left unattended. California Penal Code Section 25140 (a) defines locking a handgun in an unattended vehicle by the following means:

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

Effective January 1, 2018, California Penal Code Section 25140 was revised to allow, "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."


Although Penal Code Section 25140 provides an exemption for peace officers during circumstances requiring immediate aid or action within the course of their official duties, Department personnel should continue to properly secure firearms whenever possible.

If you have any questions regarding this Notice, please contact the Gun Unit, Gang and Narcotics Division, at (213) 486-5360.

**APPROVED:**

  
**JUSTIN EISENBERG, Deputy Chief**  
**Chief of Detectives**

**DISTRIBUTION "A"**

  
**SEAN W. MALINOWSKI, Deputy Chief**  
**Chief of Staff**  
**Office of the Chief of Police**