

## OFFICE OF CONSTITUTIONAL POLICING AND POLICY

**NOTICE**  
1.14

August 13, 2018

**TO:** All Department Personnel

**FROM:** Director, Office of Constitutional Policing and Policy

**SUBJECT:** COURT DECISION ON OPEN CARRY OF FIREARMS

The purpose of this Notice is to advise Department personnel of a recent federal appellate court decision regarding a Constitutional challenge to openly carrying a firearm. As indicated below, the Ninth Circuit Court of Appeals recent decision in *Young v. State of Hawaii*, holding that the Second Amendment protects a person's right to openly carry a firearm, does **NOT** affect California's statutes prohibiting open carry in public places. Accordingly, officers may continue to enforce existing laws prohibiting open carrying of firearms.

### **COURT DECISION**

On July 24, 2018, the Ninth Circuit Court of Appeals issued an opinion in *Young v. Hawaii*, 2018 U.S. App. Lexis 20525 (9<sup>th</sup> Cir 2018), holding that a Hawaii statute restricting a person from openly carrying a firearm in public violated the Second Amendment's right to bear arms. The court remanded the case to the district court for further proceedings on the pending lawsuit. It is likely, however, that the State of Hawaii will seek a hearing to reconsider the opinion.

### **IMPACT**

This opinion struck down a Hawaii statute and may impact California's prohibition on open carry if the California statute is challenged in court. *At this point in time, however, the California statutes remain in full force and effect. Therefore, officers may continue to enforce California firearms statutes prohibiting the open carry of firearms.*

See the attached TacOps Roll Call Briefing Sheet entitled, *Incidents Involving Open Carry of Firearms by Members of the Public*, dated August 17, 2016, for further information on handling incidents involving members of the public who openly carry firearms.

If you have any questions regarding this Notice, please contact the Office of Constitutional Policing and Policy at (213) 486-8730.



**ARIF ALIKHAN, Director**  
**Office of Constitutional Policing and Policy**

**APPROVED:**



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

**Attachment**

**DISTRIBUTION "B"**