

AB 424: TIGHTENS FIREARM POSSESSION RESTRICTIONS AT K-12 SCHOOLS

On October 14, 2017, Governor Jerry Brown signed into law AB 424 (Chapter 779, Statutes of 2017) which tightens California's restrictions on possession of a firearm within a school zone by removing a superintendent's authority to grant written permission to possess a firearm in a school zone. The new law also clarifies the existing exceptions for shooting sports and education. The new restriction will only impact K-12 schools. The clarification on shooting sports applies more broadly. AB 424 will go into effect on January 1, 2018.

BACKGROUND

The Gun-Free School Zone Act of 1995 has been on the books since 1995. It provides that any person who possesses a firearm in a place that the person knows, or reasonably should know, is a "school zone" may be punished by imprisonment of up to five years. The law defines a "school zone" as an area in or on the grounds, or within 1,000 feet of, a public or private K-12 school. Since the passage of SB 707 (Wolk, Chapter 766, Statutes of 2015), there has been an exception in the law for any person possessing a firearm in a school zone "with the written permission of the school district superintendent, his or her designee, or equivalent school authority" (Penal Code 626.9(b)). This exception is deleted by AB 424.

EXCEPTIONS THAT REMAIN IN FORCE

The other current law exceptions to this restriction remain unchanged, including:

- Possession within a place of residence or place of business or on private property if that property is not part of the school grounds and the possession of the firearm is otherwise lawful.
- When the firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle.
- When the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety.
- When the person is exempt from the prohibition against carrying a concealed firearm under the specific and limited circumstances described in Penal Code sections 25615 (licensed gun dealers in the course of their business); 25625 (carrying an unloaded revolver as a military or civilian member of a parade); 25630 (the guard or common carrier of a bank while transporting money); or 25645 (a licensed common carrier acting in accordance with federal law).
- When the person holds a valid license to carry the firearm and is carrying that firearm in an area that is not in or on the grounds of a K-12 school but within a distance of 1,000 feet.

- Duly appointed peace officers; a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California; any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer; a member of the military who is engaged in the performance of his or her duties; or an armored vehicle guard engaged in the performance of his or her duties.
- A security guard authorized to carry a firearm.
- An honorably retired peace officer authorized to openly carry an unloaded firearm.
- The shooting range at a public or private school or university or college campus.

To this list, AB 424 adds two new exceptions for:

- The activities of a program involving shooting sports or activities including, but not limited to, trap shooting, skeet shooting, sporting clays, and pistol shooting that are sanctioned by a school, school district, college, university, or other governing body of the institution, that occur on the grounds of a public or private school or university or college campus.
- A state-certified hunter education program, if all firearms are unloaded and participants do not possess live ammunition in a school building.

Finally, AB 424 does not make any change to Penal Code section 626.9(i), which allows a university or college president, his or her designee, or equivalent university or college authority to grant written permission to possess a loaded firearm upon the grounds of a campus of, or buildings owned or operated by, a public or private university or college.

Please contact your Keenan Account Manager for questions regarding this *Briefing*.

Keenan & Associates is not a law firm and no opinion, suggestion, or recommendation of the firm or its employees shall constitute legal advice. Clients are advised to consult with their own attorney for a determination of their legal rights, responsibilities and liabilities, including the interpretation of any statute or regulation, or its application to the clients' business activities.