16-19 - Securing A Handgun in an Unattended Vehicle

Los Angeles County Sheriff's Department

NEWSLETTER

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SECURING A HANDGUN IN AN UNATTENDED VEHICLE

Penal Code Section 25140 went into effect January 1, 2017, and requires **any person** leaving a handgun in an unattended vehicle to properly secure it.

On January 1, 2018, the law was amended to allow peace officers permission to lock a handgun in the center utility console of an unattended vehicle, under certain conditions.

In 2019, Penal Code Section 25140 will be amended again to permit the securing of a handgun in a “tool box” or “utility box.”

A “tool box” or “utility box” has a similar definition as a “locked container,” and is defined as: “a fully enclosed container that is permanently affixed to the bed of a pickup truck or vehicle that **does not have a trunk**, and is locked by a padlock, key lock, combination lock or other similar locking device.” The term "locked container,” “tool box,” or “utility box," **does not include** the utility or glove compartment of a vehicle, even if it has a locking device.

In order for the handgun to be “properly secured” per this law, the person must do one of the following:

- Lock the handgun in the trunk of the vehicle;

- 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;
- Peace officers may lock the handgun out of plain view, in the center console (does not include a locking glove box) absent any of the above conditions; or
- Peace officers may lock the handgun in a locked tool box or utility box affixed to the bed of the pick-up truck or vehicle.

The "trunk" of a vehicle 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 hatch back, station wagon, or sport utility vehicle, or any compartment that has a window.

The term "plain view" includes any area of a vehicle that is visible by peering through the windows of the vehicle, including windows that are tinted, with or without illumination.

This law does not apply to a peace officer **during circumstances requiring immediate aid or action that are within the course of his/her official duties.** This law also 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.

For purposes of this law, a vehicle is considered 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."

A violation of section 25140 of the Penal Code is an infraction and punishable by a fine up to $1,000.

It should be noted that several handguns stolen from vehicles of off-duty peace officers, which resulted in the injury or death of innocent persons, were used as examples for the necessity of this law.

Questions regarding the content of this newsletter may be directed to Field Operations Support Services, at (323) 890-5411 or foss@lasd.org.

Originally Published: November 3, 2016

Revised: December 28, 2018