

AB 144 (Portantino) “Open Carry” Ban

Summary

- 1) Makes it a misdemeanor for any person to carry an exposed and unloaded handgun outside a vehicle upon his or her person while in any public place or on any public street in an incorporated city, or in any public place or public street in a prohibited area of an unincorporated county.
- 2) Creates a lengthy series of exceptions to the prohibition on open carry, including peace officers, range shooting, hunters engaged in lawful hunting, incidental transport, etc.

Background

Current law specifies that carrying a loaded gun or a concealed gun is generally a misdemeanor, punishable by up to one year in a county jail and/or a fine of up to \$1,000.

However, current law has been interpreted to permit the “open carry” of unloaded firearms.

This bill is similar to AB 1934 (Saldaña) from the 2009-2010 Legislative session, which was not taken up for a concurrence vote in the Assembly prior to the deadline to be approved by the legislature.

Need for the Bill

The absence of a prohibition on “open carry” has created an increase in problematic instances of guns carried in public, alarming unsuspecting individuals and causing issues for law enforcement.

Open carry creates a potentially dangerous situation.

In most cases when a person is openly carrying a firearm, law enforcement is called to the scene with few details other than one or more armed individuals are present at a location.

In these tense situations, the slightest wrong move by the gun-carrier could be construed as threatening by

the responding officer, who may feel compelled to respond in a manner that could be lethal. In this situation the practice of “open carry” creates an unsafe environment for all parties involved; the officer, the gun-carrying individual, and for any other individuals nearby as well.

Additionally, the increase in “open carry” calls placed to law enforcement has taxed departments dealing with under-staffing and cutbacks due to the current fiscal climate in California, preventing them from protecting the public in other ways.

Support

- California Police Chiefs Association
- Peace Officers Research Association of California (PORAC)
- California Chapters of the Brady Campaign to Prevent Gun Violence
- Legal Community Against Violence
- City of Los Angeles
- City of West Hollywood
- City of Beverly Hills
- Coalition Against Gun Violence
- Friends Committee on Legislation
- Los Angeles Sheriff’s Department
- Over 250 individual citizens

Opposition

- Responsible Citizens of California
- California Rifle and Pistol Association
- National Rifle Association
- Capitol Resource Family Impact
- Diablo Valley Gun Works
- Gun Owners of California
- Approximately 20 individual citizens

For More Information

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