



Second Amendment

Gun Control

Barbra
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Killer's Note: 'You Caused Me to Do This'

Seung-Hui Cho, 23-Year-Old Shooter, Wrote 'Disturbing' Note and Violent Plays

By NED POTTER, DAVID SCHOETZ, RICHARD ESPOSITO, PIERRE THOMAS and the staff of ABC News

April 17, 2007 —

Seung-Hui Cho, the student who killed 32 people and then himself yesterday, left a long and "disturbing" note in his dorm room at Virginia Tech, say law enforcement sources.

He also wrote at least two violent plays for an English course that worried his professor and several classmates.

Sources described the note, which runs several pages, as beginning in the present tense and then shifting to the past. It contains rhetoric explaining Cho's actions and says, "You caused me to do this," the sources told ABC News.

Sources say Cho, 23, killed two people in a dorm room, returned to his own dorm room where he re-armed and left the note, then went to a classroom building on the other side of campus. There, he killed 30 more people in four classrooms before shooting himself in the head.

Witnesses say he was stone-faced as he opened fire. Law-enforcement sources say he may have had a romantic interest in a young woman who was found dead after the first shootings.

Violent Plays

Lucinda Roy, a co-director of the creative writing program at Virginia Tech, taught Cho in a poetry class in fall of 2005 and later worked with him one-on-one after she became concerned about his behavior and themes in his writings.

Roy spoke outside her home Tuesday afternoon, saying that there was nothing explicit in Cho's writings, but that threats were there under the surface.

Roy told ABC News that Cho seemed "extraordinarily lonely--the loneliest person I have ever met in my life." She said he wore sunglasses indoors, with a cap pulled low over his eyes. He whispered, took 20 seconds to answer questions, and took cellphone pictures of her in class. Roy said she was concerned for her safety when she met with him.

She said she notified authorities about Cho, but said she was told that there would be too many legal hurdles to intervene. She said she asked him to go to counseling, but he never did.

One play attributed to him, called "Richard McBeef," describes a 13-year-old boy who accuses his stepfather of pedophilia, and ends with the boy's death.

In another, called "Mr. Brownstone," three high-school students face an abusive teacher.

"I wanna kill him," says one character.

"I wanna watch him bleed like the way he made us kids bleed," says another.

The two plays were posted on AOL after a staffer named Ian MacFarlane, a December 2006 graduate of Virginia Tech, brought them to his editors' attention.

MacFarlane said he was in a class with Cho in which students were required to post their plays online for peer review and comment.

AOL editors verified the authenticity of Cho's works before posting them, according to Alysia Lew of AOL Corporate Communications.

At a late-afternoon news conference, police said they had searched Cho's dorm room. "There were considerable writings that were reviewed," said Col. Steven Flaherty, Superintendent of the Virginia State Police.

A 'Troubled' Young Man

Some news accounts have suggested that Cho had a history of antidepressant use, but senior federal officials tell ABC News that they can find no record of him in the government's files on controlled substances. This does not completely rule out prescription drug use, including samples from a physician, drugs obtained through illegal Internet sources, or a gap in computer databases, but the sources say theirs is a reasonably complete search.

(NOTE: Some readers may have inferred from an earlier edition of this story that the federal government keeps a comprehensive record of all prescriptions. The Drug Enforcement Agency says it does track prescriptions of so-called controlled substances -- including some mood-altering medications -- but not all prescriptions made in the United States.)

Cho, born in South Korea, was a legal resident alien of the United States. He was a senior at Virginia Tech, majoring in English.

Sources tell ABC News Cho bought his first gun, a Glock 9 millimeter handgun, on March 13; they say he bought his second, a Walther .22 caliber pistol, within the last week. The serial numbers on both guns had been filed off, they said.

Authorities found the receipt for the 9 millimeter handgun in Cho's backpack. They say the bag also contained two knives and additional ammunition for the two guns.

Legal permanent resident aliens may purchase firearms in the state of Virginia. A resident alien must, however, provide additional identification to prove he or she is a resident of the state.

Sections of chain similar to those used to lock the main doors at Norris Hall, the site of the second shooting that left 31 dead, were also found inside a Virginia Tech dormitory, sources confirmed to ABC News.

President Bush and the first lady addressed the Virginia Tech community at a convocation Tuesday afternoon.

"Yesterday began like any other day. Students woke up and they grabbed their backpacks and they headed for class," Bush said. "And soon the day took a dark turn, with students and faculty barricading themselves in classrooms and dormitories."

"For many of you here today, it was the worst day in your lives," Bush said.

Positive Fingerprint Match

Cho's identity has been confirmed by matching fingerprints on his guns with his immigration records.

"Lab results confirm that one of the two weapons seized in Norris Hall was used in both shootings," Virginia Tech Police Chief Wendell Flinchum said at a press conference Tuesday morning.

Cho, according to law enforcement officials, had entered the country through Detroit with his family in 1992, at the age of eight. He last renewed his green card in 2003. As of yesterday, his home address was listed as Centreville, Va., and the university reported he was living in a campus dormitory, Harper Hall.

Cho's parents live in a townhouse development in Centreville, a suburb of Washington. They own a dry-cleaning shop nearby.

His older sister, Sun-Kyung, graduated from Princeton University in 2004. A source, who asked to be identified as a senior Administration official, said she works for McNeil Technologies, a firm contracted by the State Department to manage reconstruction efforts in Iraq.

Police searched the family home last night. On Tuesday, no one was answering their door.

One neighbor, Marshall Main, describes Cho's parents as quiet and polite. Neither Main nor another neighbor recalled seeing the son in recent years.

Cho graduated from Westfield High School, a Fairfax County public school, in 2003. The school system says two of the dead yesterday at Virginia Tech had graduated from Westfield in 2006; they would have been freshmen when Cho was a senior.

Two-Hour Gap Between Shootings

Police say Cho killed two people in West Ambler Johnston Hall, a dormitory near his own, shortly after 7:00 a.m. Monday. Then, two hours later, he opened fire in Norris Hall, a classroom building across campus.

Reporters continued to ask today why administrators did not cancel classes after the first shooting, and why it took more than two hours to inform the university community via e-mail about the first incident. The first e-mail notifying students of the dorm shooting was not sent by the school until 9:24 a.m. -- by which time the second shooting was already over.

According to President Charles Steger, the administration locked down West Ambler Johnston Hall dormitory after the first shooting. But he said classes weren't canceled because the shooting was believed to be tied to a domestic dispute and campus police believed the shooter had left the campus.

"The second shooting, no one predicted that was also going to happen that morning," Steger said. "So if you're talking about locking it down, what is it you're going to lock down? It's like closing a city. It doesn't happen simultaneously."

By Monday night, investigators had ruled out the possibility of a murder-suicide in the first dormitory shooting. Ryan "Stack" Clark, a member of the school's marching band, the Marching Virginians, and a student resident assistant, was killed there by a shot in the neck. His next-door neighbor, freshman Emily Hilscher, was also found dead.

At Norris Hall, the gunman left a trail of bloodshed, which Flinchum, the Virginia Tech police chief, called "one of the worst things I've seen in my life."

Cho apparently shot himself in the head after the killings; part of his face was missing when his body was found.

Questions About Earlier Bomb Threats

Police documents today showed authorities suspected Cho may have been the source of two bomb threats last week targeting Virginia Tech engineering buildings.

The first of the two threats was directed at Torgersen Hall, a classroom and laboratory building, while the second was directed at multiple engineering buildings. Students and staff were evacuated, and the university sent out e-mails across campus, offering a \$5,000 reward for information about the threats.

Virginia Tech -- formally known as Virginia Polytechnic Institute and State University -- is located in the western end of the state near the borders of West Virginia and Tennessee. It has more than 25,000 full-time students. Its campus, which spreads over 2,600 acres, has more than 100 buildings.

The number of dead is almost twice as high as the previous record for a mass shooting on an American college campus. That took place at the University of Texas at Austin on Aug. 1, 1966, when a gunman named Charles Whitman opened fire from the 28th floor of a campus tower. Whitman killed 16 and injured 31.

ABC News' Amy Thomas and Jason Ryan contributed to this report.

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National

Atlanta school shooting averted; clerk Antoinette Tuff describes confrontation

By Max Ehrenfreund August 21, 2013

Shots were fired Tuesday at Ronald E. McNair Discovery Learning Academy, an elementary school outside of Atlanta. Police took Michael Brandon Hill, 20, into custody and said later that he was carrying an AK-47 rifle and 500 rounds of ammunition, the Associated Press reported.

Fortunately, no one was injured. The outcome seems largely due to Antoinette Tuff, a school clerk, who told ABC affiliate WSB-TV that she met the gunman when he entered the building.

"He had a look on him that he was willing to kill," Tuff said. "He said he didn't have any reason to live, and he knew he was going to die today." Tuff said she began telling him the story of her own life in order to calm him down. She described how her separation from her husband after 33 years of marriage left her feeling lonely and in pain, but she encouraged the man not to succumb to despair.

She said she prayed for the gunman during the crisis, and credited God with helping her maintain her composure.

"I give it all to God. I'm not the hero. I was terrified," she said.

At one point, the man exchanged gunfire with police. Tuff said she convinced the man to stand down so that he would not be killed.

"I just explained to him that I loved him," she said. "I didn't know his name, I didn't know much about him, but I did love him."

Eventually, Tuff persuaded the man to surrender to police.

"It was scary because I knew that at the moment, he was ready to take my life along with his, and that if I didn't

say the right thing then we all would be dead," she told ABC.

Hill has been charged with assault against an officer, making threats, and illegally possessing a firearm.

Max Ehrenfreund writes for Wonkblog and compiles Wonkbook, a daily policy newsletter. You can subscribe [here](#). Before joining The Washington Post, Ehrenfreund wrote for the Washington Monthly and The Sacramento Bee.

PAGE 3? REMEMBER
WHEN SCHOOL SHOOTINGS
APPEARED ON PAGE 1?

WHAT ARE YOU
SMILING ABOUT?



M. WUERKER

POLITICO Universal
Uclick

OUR SECOND AMENDMENT I RAISES A QUESTION:

"A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed" was intended to keep guns in the hands of...



A.) A well regulated militia



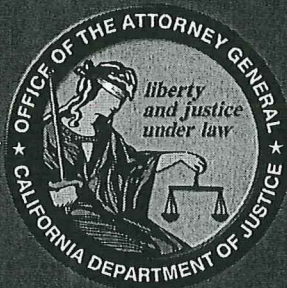
B.) Any psychopath who wants to buy any kind of gun

M/WUERKER POLITICO Universal 12-5-12

Second Amendment:

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

California Firearms Laws Summary



2013

California Department of Justice
Kamala D. Harris
Attorney General
<http://oag.ca.gov>

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California Firearms Laws Summary 2013



INTRODUCTION

As the owner of a firearm, it is your responsibility to understand and comply with all federal, state and local laws regarding firearms ownership. Many of the laws described below pertain to the possession, use and storage of firearms in the home and merit careful review. The California Firearms Laws Summary 2013 provides a general summary of California laws that govern common possession and use of firearms by persons other than law enforcement officers or members of the armed forces. It is not designed to provide individual guidance for specific situations, nor does it address federal or local laws. The legality of any specific act of possession or use will ultimately be determined by applicable federal and state statutory and case law. Persons having specific questions are encouraged to seek legal advice from an attorney, or consult their local law enforcement agency, local prosecutor or law library. The California Department of Justice (DOJ) and all other public entities are immune from any liability arising from the drafting, publication, dissemination, or reliance upon this information.

PERSONS INELIGIBLE TO POSSESS FIREARMS

The following persons are prohibited from possessing firearms (Pen. Code, §§ 29800-29825, 29900; Welf. & Inst. Code, §§ 8100, 8103):

Lifetime Prohibitions

- Any person convicted of any felony or any offense enumerated in Penal Code section 29905.
- Any person convicted of an offense enumerated in Penal Code section 23515.
- Any person with two or more convictions for violating Penal Code section 417, subdivision (a)(2).
- Any person adjudicated to be a mentally disordered sex offender. (Welf. & Inst. Code, § 8103, subd. (a)(1).)
- Any person found by a court to be mentally incompetent to stand trial or not guilty by reason of insanity of any crime, unless the court has made a finding of restoration of competence or sanity. (Welf. & Inst. Code, § 8103, subds. (b)(1), (c)(1), and (d)(1).)

10-Year Prohibitions

- Any person convicted of a misdemeanor violation of the following: Penal Code sections 71, 76, 136.5, 140, 148, subdivision (d), 171b, 171c, 171d, 186.28, 240, 241, 242, 243, 244.5, 245, 245.5, 246, 246.3, 247, 273.5, 273.6, 417, 417.1, 417.2, 417.6, 422, 626.9, 646.9, 830.95, subdivision (a), 17500, 17510, subdivision (a), 25300, 25800, 27510, 27590, subdivision (c), 30315, or 32625, and Welfare and Institutions Code sections 871.5, 1001.5, 8100, 8101, or 8103.

5-Year Prohibitions

- Any person taken into custody as a danger to self or others, assessed, and admitted to a mental health facility under Welfare and Institutions Code sections 5150, 5151, 5152; or certified under Welfare and Institutions Code sections 5250, 5260, 5270.15. Persons certified under Welfare and Institutions Code sections 5250, 5260, or 5270.15 may be subject to a lifetime prohibition pursuant to federal law.

Juvenile Prohibitions

- Juveniles adjudged wards of the juvenile court are prohibited until they reach age 30 if they committed an offense listed in Welfare and Institutions Code section 707, subdivision (b). (Pen. Code, § 29820.)

Miscellaneous Prohibitions

- Any person denied firearm possession as a condition of probation pursuant to Penal Code section 29900, subdivision (c).
- Any person charged with a felony offense, pending resolution of the matter. (18 U.S.C. § 922(g).)
- Any person while he or she is either a voluntary patient in a mental health facility or under a gravely disabled conservatorship (due to a mental disorder or impairment by chronic alcoholism) and if he or she is found to be a danger to self or others. (Welf. & Inst. Code, § 8103, subd. (e).)
- Any person addicted to the use of narcotics. (Pen. Code, § 29800, subd. (a).)
- Any person who communicates a threat (against any reasonably identifiable victim) to a licensed psychotherapist which is subsequently reported to law enforcement, is prohibited for six months. (Welf. & Inst. Code, § 8100, subd. (b).)
- Any person who is subject to a protective order as defined in Family Code section 6218 or Penal Code section 136.2, or a temporary restraining order issued pursuant to Code of Civil Procedure sections 527.6 or 527.8.

Personal Firearms Eligibility Check

Any person may obtain from the DOJ a determination as to whether he or she is eligible to possess firearms. The personal firearms eligibility check application form and instructions are on the DOJ website at <http://oag.ca.gov/firearms/forms>. The cost for such an eligibility check is \$20. (Pen. Code, § 30105.)

SALES AND TRANSFERS OF FIREARMS

In California, only licensed California firearms dealers who possess a valid Certificate of Eligibility (COE) are authorized to engage in retail sales of firearms. These retail sales require the purchaser to provide personal identifier information for the Dealer Record of Sale (DROS) document that the firearms dealer must submit to the DOJ. There is a mandatory 10-day waiting period before the firearms dealer can deliver the firearm to the purchaser. During this 10-day waiting period, the DOJ conducts a firearms eligibility background check to ensure the purchaser is not prohibited from lawfully possessing firearms. Although there are exceptions, generally all firearms purchasers must be at least 18 years of age to purchase a long gun (rifle or shotgun) and 21 years of age to purchase a handgun (pistol or revolver). Additionally, purchasers must be California residents with a valid driver's license or identification card issued by the California Department of Motor Vehicles.

Generally, it is illegal for any person who is not a California licensed firearms dealer (private party) to sell or transfer a firearm to another non-licensed person (private party) unless the sale is completed through a licensed California firearms dealer. A "Private Party Transfer" (PPT) can be conducted at any licensed California firearms dealership that sells handguns. The buyer and seller must complete the required DROS document in person at the licensed firearms dealership and deliver the firearm to the dealer who will retain possession of the firearm during the mandatory 10-day waiting period. In addition to the applicable state fees, the firearms dealer may charge a fee not to exceed \$10 per firearm for conducting the PPT.

The infrequent transfer of firearms between immediate family members is exempt from the law requiring PPTs to be conducted through a licensed firearms dealer. For purposes of this exemption, "immediate family member" means parent and child, and grandparent and grandchild but does not include brothers or sisters. (Pen. Code, § 16720.) Please note that if the firearm being transferred is a handgun, the transferee must comply with the Handgun Safety Certificate requirement described below, prior to taking possession of the firearm. Within 30 days of the transfer, the transferee must also submit a report of the transaction to the DOJ. To obtain the required report form (Report of Operation of Law or Intra-Familial Handgun Transaction BOF 4544A), either contact the DOJ Bureau of Firearms at (916) 227-7527 or download the form from the DOJ's website at <http://oag.ca.gov/firearms/forms>.

The reclaiming of a pawned firearm is subject to the DROS and 10-day waiting period requirements.

Specific statutory requirements relating to sales and transfers of firearms follow:

Proof-of-Residency Requirement

To purchase a handgun in California, you must present documentation indicating that you are a California resident. Acceptable documentation includes a utility bill from within the last three months, a residential lease, a property deed or military permanent duty station orders indicating assignment within California.

The address provided on the DROS must match either the address on the proof-of-residency document or the address on the purchaser's California driver's license or identification card. (Pen. Code, § 26845.)

Handgun Safety Certificate Requirement

To purchase or acquire a handgun, you must have a valid Handgun Safety Certificate (HSC). To obtain an HSC, you must score at least 75% on an objective written test pertaining to firearms laws and safety requirements. The test is administered by DOJ Certified Instructors, who are generally located at firearms dealerships. An HSC is valid for five years. You may be charged up to \$25 for an HSC. Handguns being returned to their owners, such as pawn returns, are exempt from this requirement. In the event of a lost, stolen or destroyed HSC, the issuing DOJ Certified Instructor will issue a replacement HSC for a fee of \$15. You must present proof of identity to receive a replacement HSC. (Pen. Code, §§ 31610-31670.)

Safe Handling Demonstration Requirement

Prior to taking delivery of a handgun, you must successfully perform a safe handling demonstration with the handgun being purchased or acquired. Safe handling demonstrations must be performed in the presence of a DOJ Certified Instructor sometime between the date the DROS is submitted to the DOJ and the delivery of the handgun, and are generally performed at the firearms dealership. The purchaser, firearms dealer and DOJ Certified Instructor must sign an affidavit stating the safe handling demonstration was completed. The steps required to complete the safe handling demonstration are described in the Appendix. Pawn returns and intra-familial transfers are not subject to the safe handling demonstration requirement. (Pen. Code, § 26850.)

Firearms Safety Device Requirement

All firearms (long guns and handguns) purchased in California must be accompanied with a firearms safety device (FSD) that has passed required safety and functionality tests and is listed on the DOJ's official roster of DOJ-approved firearm safety devices. The current roster of certified FSDs is available on the DOJ website at <http://oag.ca.gov/firearms/fsdcertlist>. The FSD requirement also can be satisfied if the purchaser signs an affidavit declaring ownership of either a DOJ-approved lock box or a gun safe capable of accommodating the firearm being purchased. Pawn returns and intra-familial transfers are not subject to the FSD requirement. (Pen. Code, §§ 23635-23690.)

Roster of Handguns Certified for Sale in California

No handgun may be sold by a firearms dealer to the public unless it is of a make and model that has passed required safety and functionality tests and is listed on the DOJ's official roster of handguns certified for sale in California. The current roster of handguns certified for sale in California is available on the DOJ website at <http://certguns.doj.ca.gov/>. PPTs, intrafamilial transfers, and pawn/consignment returns are exempt from this requirement. (Pen. Code, § 32000.)

One-Handgun-per-30-Days Requirement

No person shall make an application to purchase more than one handgun within any 30-days period. Exemptions to the one-handgun-per-30-days requirement include pawn returns, intra-familial transfers and private party transfers. (Pen. Code, § 27540.)

Handgun Sales and Transfer Requirements

	Retail Sales	Private Party Transfers	Intra-familial Transfers	Pawn Returns
Proof-of-Residency Requirement	Yes	Yes	No	Yes
Handgun Safety Certificate Requirement	Yes	Yes	Yes	No
Safe Handling Demonstration Requirement	Yes	Yes	No	No
Firearm Safety Device Requirement	Yes	Yes	No	No
Roster of Handguns Certified for Sale in California	Yes	No	No	No
One-Handgun-Per-30-Days Requirement	Yes	No	No	No

Long Gun Sales and Transfer Requirements

	Retail Sales	Private Party Transfers	Intra-familial Transfers	Pawn Returns
Proof-of-Residency Requirement	No	No	No	No
Firearm Safety Device Requirement	Yes	Yes	No	No

PROHIBITED FIREARMS TRANSFERS AND STRAW PURCHASES

What is a straw purchase?

A straw purchase is buying a gun for someone who is prohibited by law from possessing one, or buying a gun for someone who does not want his or her name associated with the transaction.

It is a violation of California law for a person who is not licensed as a California firearms dealer to transfer a firearm to another unlicensed person, without conducting such a transfer through a licensed firearms dealer. (Pen. Code, § 27545.) Such a transfer may be punished as a felony. (Pen. Code, § 27590.)

Furthermore, it is a violation of federal law to either (1) make a false or fictitious statement on an application to purchase a firearm about a material fact, such as the identify of the person who ultimately will acquire the firearm (commonly known as "lying and buying") (18 U.S.C. 922(a)(6)), or (2) knowingly transfer a firearm to a person who is prohibited by federal law from possessing and purchasing it. (18 U.S.C. 922(d).) Such transfers are punishable under federal law by a \$250,000 fine and 10 years in federal prison. (18 U.S.C. 924(a)(2).)

Things to Remember About Prohibited Firearms Transfers and Straw Purchases

An illegal firearm purchase (straw purchase) is a federal crime.

An illegal firearm purchase can bring a felony conviction sentence of 10 years in jail and a fine of up to \$250,000.

Buying a gun and giving it to someone who is prohibited from owning one is a state and federal crime.

Never buy a gun for someone who is prohibited by law or unable to do so.

REPORTING REQUIREMENTS FOR NEW CALIFORNIA RESIDENTS

Persons who move to California with the intention of establishing residency in this state must either report ownership of handguns to the DOJ within 60 days, or sell or transfer the handgun(s) pursuant to California law. (Pen. Code, § 28050.) Persons wishing to keep their handguns must submit a New Resident Handgun Ownership Report (BOF 4010A), along with a \$19 fee, to the DOJ. Forms are available at licensed firearms dealers, the Department of Motor Vehicles or on-line at the DOJ website at <http://oag.ca.gov/firearms/forms>. (Pen. Code, § 27560.)

USE OF UNITED STATES POSTAL SERVICE, PRIVATE PARCEL DELIVERY, OR COMMON CARRIER

Long guns may be mailed through the U.S. Postal Service, as well as most private parcel delivery services or common carriers. Handguns may not be sent through the U.S. Postal Service. A common or contract carrier must be used for shipment of handguns. However, pursuant to federal law, non-licensees may ship handguns only to persons who hold a valid FFL. Federal and state laws generally prohibit the carrying upon the person of any firearm or ammunition aboard any commercial passenger airplane. Similar restrictions may apply to other common carriers such as trains, ships, and buses. Persons who need to carry or transport firearms or ammunition on a common carrier should always consult the carrier in advance.

Both in-state and out-of-state Federal Firearms License (FFL) holders are required to obtain approval (e.g., a unique verification number) from the California DOJ prior to shipping firearms to any California FFL. (Pen. Code, § 27555.)

FIREARMS ABOARD COMMON CARRIERS

Federal and state laws generally prohibit a person from carrying any firearm or ammunition aboard any commercial passenger airplane. Similar restrictions may

apply to other common carriers such as trains, ships and buses. Persons who need to carry firearms or ammunition on a common carrier should always consult the carrier in advance to determine conditions under which firearms may be transported.

FIREARMS IN THE HOME, BUSINESS OR AT THE CAMPSITE

Unless otherwise unlawful, any person over the age of 18 who is not prohibited from possessing firearms may have a loaded or unloaded firearm at his or her place of residence, temporary residence, campsite or on private property owned or lawfully possessed by the person. Any person engaged in lawful business (including nonprofit organizations) or any officer, employee or agent authorized for lawful purposes connected with the business may have a loaded firearm within the place of business if that person is over 18 years of age and not otherwise prohibited from possessing firearms. (Pen. Code, §§ 25605, 26035.)

NOTE: If a person's place of business, residence, temporary residence, campsite or private property is located within an area where possession of a firearm is prohibited by local or federal laws, such laws would prevail.

TRANSPORTATION OF FIREARMS

Handguns

California Penal Code section 25400 does not prohibit a citizen of the United States over 18 years of age who is in lawful possession of a handgun, and who resides or is temporarily in California, from transporting the handgun by motor vehicle provided it is unloaded and stored in a locked container. (Pen. Code, § 25610.)

The term "locked container" means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. This includes the trunk of a motor vehicle, but does not include the utility or glove compartment. (Pen. Code, § 16850.)

Rifles and Shotguns

Nonconcealable firearms (rifles and shotguns) are not generally covered within the provisions of California Penal Code section 25400 and therefore are not required to be transported in a locked container. However, as with any firearm, nonconcealable firearms must be unloaded while they are being transported. A rifle or shotgun that is defined as an assault weapon pursuant to Penal Code section 30510 or 30515 must be transported in accordance with Penal Code section 25610.

Registered Assault Weapons and .50 BMG Rifles

Registered assault weapons and registered .50 BMG rifles may be transported only between specified locations and must be unloaded and in a locked container when transported. (Pen. Code, § 30945, subd. (g).)

The term "locked container" means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. This includes the trunk of a motor vehicle, but does not include the utility or glove compartment. (Pen. Code, § 16850.)

USE OF LETHAL FORCE IN SELF-DEFENSE

The question of whether use of lethal force is justified in self-defense cannot be reduced to a simple list of factors. This section is based on the instructions generally given to the jury in a criminal case where self-defense is claimed and illustrates the general rules regarding the use of lethal force in self-defense.

Permissible Use of Lethal Force in Defense of Life and Body

The killing of one person by another may be justifiable when necessary to resist the attempt to commit a forcible and life-threatening crime, provided that a reasonable person in the same or similar situation would believe that (a) the person killed intended to commit a forcible and life-threatening crime; (b) there was imminent danger of such crime being accomplished; and (c) the person acted under the belief that such force was necessary to save himself or herself or another from death or a forcible and life-threatening crime. Murder, mayhem, rape and robbery are examples of forcible and life-threatening crimes. (Pen. Code, § 197.)

Self-Defense Against Assault

It is lawful for a person being assaulted to defend themselves from attack if he or she has reasonable grounds for believing, and does in fact believe, that he or she will suffer bodily injury. In doing so, he or she may use such force, up to deadly force, as a reasonable person in the same or similar circumstances would believe necessary to prevent great bodily injury or death. An assault with fists does not justify use of a deadly weapon in self-defense unless the person being assaulted believes, and a reasonable person in the same or similar circumstances would also believe, that the assault is likely to inflict great bodily injury.

It is lawful for a person who has grounds for believing, and does in fact believe, that great bodily injury is about to be inflicted upon another to protect the victim from attack. In so doing, the person may use such force as reasonably necessary to prevent the injury. Deadly force is only considered reasonable to prevent great bodily injury or death.

NOTE: The use of excessive force to counter an assault may result in civil or criminal penalties.

Limitations on the Use of Force in Self-Defense

The right of self-defense ceases when there is no further danger from an assailant. Thus, where a person attacked under circumstances initially justifying self-defense renders the attacker incapable of inflicting further injuries, the law of self-defense ceases and no further force may be used. Furthermore, a person may only use the amount of force, up to deadly force, as a reasonable person in the same or similar

circumstances would believe necessary to prevent imminent injury. It is important to note the use of excessive force to counter an assault may result in civil or criminal penalties.

The right of self-defense is not initially available to a person who assaults another. However, if such a person attempts to stop further combat and clearly informs the adversary of his or her desire for peace but the opponent nevertheless continues the fight, the right of self-defense returns and is the same as the right of any other person being assaulted.

Protecting One's Home

A person may defend his or her home against anyone who attempts to enter in a violent manner intending violence to any person in the home. The amount of force that may be used in resisting such entry is limited to that which would appear necessary to a reasonable person in the same or similar circumstances to resist the violent entry. One is not bound to retreat, even though a retreat might safely be made. One may resist force with force, increasing it in proportion to the intruder's persistence and violence, if the circumstances apparent to the occupant would cause a reasonable person in the same or similar situation to fear for his or her safety.

The occupant may use a firearm when resisting the intruder's attempt to commit a forcible and life-threatening crime against anyone in the home provided that a reasonable person in the same or similar situation would believe that (a) the intruder intends to commit a forcible and life-threatening crime; (b) there is imminent danger of such crime being accomplished; and (c) the occupant acts under the belief that use of a firearm is necessary to save himself or herself or another from death or great bodily injury. Murder, mayhem, rape, and robbery are examples of forcible and life-threatening crimes.

Any person using force intended or likely to cause death or great bodily injury within his or her residence shall be presumed to have held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using the force knew or had reason to believe that an unlawful and forcible entry had occurred. Great bodily injury means a significant or substantial physical injury. (Pen. Code, § 198.5.)

NOTE: If the presumption is rebutted by contrary evidence, the occupant may be criminally liable for an unlawful assault or homicide.

Defense of Property

The lawful occupant of real property has the right to request a trespasser to leave the premises. If the trespasser does not do so within a reasonable time, the occupant may use force to eject the trespasser. The amount of force that may be used to eject a trespasser is limited to that which a reasonable person would believe to be necessary under the same or similar circumstances.

CARRYING A CONCEALED WEAPON WITHOUT A LICENSE

It is illegal for any person to carry a handgun concealed upon his or her person or concealed in a vehicle without a license issued pursuant to Penal Code section 26150. (Pen. Code, § 25400.) A firearm locked in a motor vehicle's trunk or in a locked container carried in the vehicle other than in the utility or glove compartment is not considered concealed within the meaning of the Penal Code section 25400; neither is a firearm carried within a locked container directly to or from a motor vehicle for any lawful purpose. (Pen. Code, § 25610.)

The prohibition from carrying a concealed handgun does not apply to licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from the hunting expedition. (Pen. Code, § 25640.) Notwithstanding this exception for hunters or fishermen, these individuals may not carry or transport loaded firearms when going to or from the expedition. The unloaded firearms should be transported in the trunk of the vehicle or in a locked container other than the utility or glove compartment. (Pen. Code, § 25610.)

There are also occupational exceptions to the prohibition from carrying a concealed weapon, including authorized employees while engaged in specified activities. (Pen. Code, §§ 25630, 25640.)

LOADED FIREARMS IN PUBLIC

It is illegal to carry a loaded firearm on one's person or in a vehicle while in any public place, on any public street, or in any place where it is unlawful to discharge a firearm. (Pen. Code, § 25850, subd. (a).)

It is illegal for the driver of any motor vehicle, or the owner of any motor vehicle irrespective of whether the owner is occupying the vehicle to knowingly permit any person to carry a loaded firearm into the vehicle in violation of Penal Code section 25850, or Fish and Game Code section 2006. (Pen. Code, § 26100.)

A firearm is deemed loaded when there is a live cartridge or shell in, or attached in any manner to, the firearm, including, but not limited to, the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loading firearm is deemed loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder. (Pen. Code, § 16840.)

In order to determine whether a firearm is loaded, peace officers are authorized to examine any firearm carried by anyone on his or her person or in a vehicle while in any public place, on any public street or in any prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to these provisions is, in itself, grounds for arrest. (Pen. Code, § 25850, subd. (b).)

The prohibition from carrying a loaded firearm in public does not apply to any person while hunting in an area where possession and hunting is otherwise lawful or while practice shooting at target ranges. (Pen. Code, §§ 26005, 26040.)

There are also occupational exceptions to the prohibition from carrying a loaded firearm in public, including authorized employees while engaged in specified activities. (Pen. Code, §§ 26015, 26030.)

NOTE: Peace officers and honorably retired peace officers having properly endorsed identification certificates may carry a concealed weapon at any time. Otherwise, these exemptions apply only when the firearm is carried within the scope of the exempted conduct, such as hunting or target shooting, or within the course and scope of assigned duties, such as an armored vehicle guard transporting money for his employer. A person who carries a loaded firearm outside the limits of the applicable exemption is in violation of the law, notwithstanding his or her possession of an occupational license or firearms training certificate. (Pen. Code, § 12031(b).)

OPENLY CARRYING AN UNLOADED HANDGUN

It is generally illegal for any person to carry upon his or her person or in a vehicle, an exposed and unloaded handgun while in or on:

- A public place or public street in an incorporated city or city and county; or
- A public street in a prohibited area of an unincorporated city or city and county. (Pen. Code, § 26350.)

It is also illegal for the driver or owner of a motor vehicle to allow a person to bring an open and exposed unloaded handgun into a motor vehicle in specified public areas. (Pen. Code, § 17512.)

PUNISHMENT FOR CARRYING UNREGISTERED HANDGUN

Any person who commits the crime of carrying a concealed handgun while having both the handgun and ammunition for that handgun on his/her person or in his/her vehicle may be subject to a felony enhancement if the handgun is not on file (registered) in the DOJ's Automated Firearms System. (Pen. Code, § 25400, subd. (c).)

Any person who commits the crime of carrying a loaded handgun on his/her person in a prohibited place may be guilty of a felony if the handgun is not on file (registered) in the DOJ's Automated Firearms System. (Pen. Code, § 25850, subd. (c).)

MISCELLANEOUS PROHIBITED ACTS

Obliteration or Alteration of Firearm Identification

It is illegal for any person to obliterate or alter the identification marks placed on any firearm including the make, model, serial number or any distinguishing mark lawfully assigned by the owner or by the DOJ. (Pen. Code, § 23900.)

It is illegal for any person to buy, sell or possess a firearm knowing its identification has been obliterated or altered. (Pen. Code, § 23920.)

Unauthorized Possession of a Firearm on School Grounds

It is illegal for any unauthorized person to possess or bring a firearm upon the grounds of, or into, any public school, including the campuses of the University of California, California State University campuses, California community colleges, any private school (kindergarten through 12th grade) or private university or college. (Pen. Code, § 626.9.)

Unauthorized Possession of a Firearm in a Courtroom, the State Capitol, etc.

It is illegal for any unauthorized person to bring or possess any firearm within a courtroom, courthouse, court building or at any meeting required to be open to the public. (Pen. Code, § 171b.)

It is illegal for any unauthorized person to bring or possess a loaded firearm within (including upon the grounds of) the State Capitol, any legislative office, any office of the Governor or other constitutional officer, any Senate or Assembly hearing room, the Governor's Mansion or any other residence of the Governor or the residence of any constitutional officer or any Member of the Legislature. For these purposes, a firearm shall be deemed loaded whenever both the firearm and its unexpended ammunition are in the immediate possession of the same person. (Pen. Code, §§ 171c, 171d, 171e.)

Drawing or Exhibiting a Firearm

If another person is present, it is illegal for any person, except in self-defense, to draw or exhibit a loaded or unloaded firearm in a rude, angry or threatening manner or in any manner use a firearm in a fight or quarrel. (Pen. Code, § 417.)

Threatening Acts with a Firearm on a Public Street or Highway

It is illegal for any person to draw or exhibit a loaded or unloaded firearm in a threatening manner against an occupant of a motor vehicle which is on a public street or highway in such a way that would cause a reasonable person apprehension or fear of bodily harm. (Pen. Code, § 417.3.)

Discharge of a Firearm in a Grossly Negligent Manner

It is illegal for any person to willfully discharge a firearm in a grossly negligent manner which could result in injury or death to a person. (Pen. Code, § 246.3.)

Discharge of a Firearm at an Inhabited/Occupied Dwelling, Building, Vehicle, Aircraft

It is illegal for any person to maliciously and willfully discharge a firearm at an inhabited dwelling, house, occupied building, occupied motor vehicle, occupied aircraft, inhabited house car or inhabited camper. (Pen. Code, § 246.)

Discharge of a Firearm at an Unoccupied Aircraft, Motor Vehicle, or Uninhabited Building or Dwelling

It is illegal for any person to willfully and maliciously discharge a firearm at an unoccupied aircraft. It is illegal for any person to discharge a firearm at an unoccupied motor vehicle, building or dwelling. This does not apply to an

abandoned vehicle, an unoccupied motor vehicle or uninhabited building or dwelling with permission of the owner and if otherwise lawful. (Pen. Code, § 247.)

Discharge of a Firearm from a Motor Vehicle

It is illegal for any person to willfully and maliciously discharge a firearm from a motor vehicle. A driver or owner of a vehicle who allows any person to discharge a firearm from the vehicle may be punished by up to three years imprisonment in state prison. (Pen. Code, § 26100.)

Criminal Storage

“Criminal storage of firearm of the first degree” – Keeping any loaded firearm within any premises that are under your custody or control and you know or reasonably should know that a child (any person under 18) is likely to gain access to the firearm without the permission of the child’s parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person. (Pen. Code, § 25100, subd. (a).)

“Criminal storage of firearm of the second degree” – Keeping any loaded firearm within any premises that are under your custody or control and you know or reasonably should know that a child (any person under 18) is likely to gain access to the firearm without the permission of the child’s parent or legal guardian and the child obtains access to the firearm and thereby causes injury, other than great bodily injury, to himself, herself, or any other person, or carries the firearm either to a public place or in violation of Penal Code section 417. (Pen. Code, § 25100, subd. (b).)

Neither of the criminal storage offenses (first degree, second degree) shall apply whenever the firearm is kept in a locked container or locked with a locking device that has rendered the firearm inoperable. (Pen. Code, § 25105.)

Sales, Transfers and Loans of Firearms to Minors

Generally, it is illegal to sell, loan or transfer any firearm to a person under 18 years of age, or to sell a handgun to a person under 21 years of age. (Pen. Code, § 27505.)

Possession of a Handgun or Live Ammunition by Minors

It is unlawful for a minor to possess a handgun unless one of the following circumstances exist:

- The minor is accompanied by his or her parent or legal guardian and the minor is actively engaged in a lawful recreational sporting, ranching or hunting activity, or a motion picture, television or other entertainment event;
- The minor is accompanied by a responsible adult and has prior written consent of his or her parent or legal guardian and is involved in one of the activities cited above; or
- The minor is at least 16 years of age, has prior written consent of his or her parent or legal guardian, and the minor is involved in one of the activities cited above. (Pen. Code, §§ 29610, 29615.)

It is unlawful for a minor to possess live ammunition unless one of the following circumstances exist:

- The minor has the written consent of a parent or legal guardian to possess live ammunition;
- The minor is accompanied by a parent or legal guardian; or
- The minor is actively engaged in, or is going to or from, a lawful, recreational sport, including, competitive shooting, or agricultural, ranching, or hunting activity. (Pen. Code, §§ 29650, 29655.)

NEW FIREARMS/WEAPONS LAWS

AB 809 (Stats. 2011, ch. 745) - Requires Collection and Retention of Dealer's Record of Sale (DROS) for Long Gun Transactions

- Beginning January 1, 2014, requires DROS information regarding the sale or transfer of long guns (rifles and shotguns) to be collected, reported, and retained in the same manner as handgun DROS information. (Pen. Code, §§ 11106, 26905.)

AB 1527 (Stats. 2012, ch. 700) - Carrying Firearms in Public

- Allows authorized security guards and honorably retired peace officers to possess a firearm in a school zone. (Bus. & Prof. Code, § 626.92.)
- Makes it a misdemeanor, subject to certain exceptions, to carry an unloaded rifle/shotgun outside of a motor vehicle in an incorporated city and would increase the punishment if the person also possesses ammunition capable of being discharged from the firearm and the person is not in lawful possession of the firearm. (Pen. Code, § 26400.)
- Provides specified exemptions allowing the open carrying of an unloaded handgun, including licensed hunters while training a hunting dog or while going to or from that training. (Pen. Code, §§ 26366.5, 26390, 26391.)

AB 1559 (Stats. 2012, ch. 691) - DROS Fees

- Beginning January 1, 2014, only one Dealer's Record of Sale (DROS) fee will be charged for a single transaction (i.e., sale, lease, or transfer to one person) on the same date for any number of firearms (handguns and long guns). (Pen. Code, § 28240.)
- Adds the importation of short-barreled rifles/shotguns to list of activities that may be considered good cause for issuance of a dangerous weapons permit by the Department of Justice. (Pen. Code, § 33300.)

AB 1821 (Stats. 2012, ch. 117) – Security Guard Firearm Qualification Cards

- Allows security guards to carry or use a firearm while on duty pending receipt of their permanent firearm qualification card from the Bureau of Security and Investigative Services if he or she has been approved and carries a hard copy printout of the approval and a valid picture identification. (Bus. & Prof. Code, § 7583.12.)

AB 2221 (Stats. 2012, ch. 697) – Public Records

- Adds prosecutors and public defenders to the list of persons whose firearm license applications are not fully required to be disclosed as public records. (Gov. Code, § 6254.)

SB 1315 (Stats. 2012, ch. 214) – Imitation Firearms in Los Angeles County

- Allows Los Angeles County and cities in the county of Los Angeles to enact ordinances and resolutions regarding spot marker guns. (Gov. Code, § 53071.5.)

SB 1327 (Stats. 2012, ch. 763) – Internet Web Site for Business Licensing Information

- Requires the Governor to establish an Internet Web site to provide licensing, permitting, and registration information necessary to start a business. (Gov. Code, § 12019.5.)

SB 1367 (Stats. 2012, ch. 711) – Carrying a Handgun while Hunting Deer with Bow and Arrow

- Allows authorized peace officers to carry a handgun while hunting deer with bow and arrow but deer shall not be taken with the firearm. (Fish & G. Code, § 4370.)

SB 1433 (Stats. 2012, ch. 765) – Protective Orders

- Requires the court-ordered record search on the proposed subject of a protective order, as defined in Family Code section 6218, to include a determination of whether the subject of the order has a registered firearm. (Fam. Code, § 6306.)
- Requires peace officers serving a protective order, as defined in Family Code section 6218, that indicates the respondent possesses weapons or ammunition to request that the firearm be immediately surrendered. (Fam. Code, § 6389.)



If you have any comments or suggestions
regarding this publication, please send them to:

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Bureau of Firearms / HSC Unit
P.O. Box 160367
Sacramento, CA 95816-0367

or via our website at
<http://oag.ca.gov/firearms>



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PROPOSED GUN LAW

- Teachers may be armed with a loaded handgun provided that:
 - the gun is concealed at all times except in case of an emergency;
 - the gun is carried only during school hours;
 - the teacher must have a license to carry a gun or have undergone 10 hours of training on how to use a gun;
- The gun must be locked in a drawer and secured during non-school hours.

NOTES

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.