



California Gun Law Cheat Sheet

Prepared by the Santa Clara County District Attorney's Office

<u>CODE SECTION</u>	<u>OFFENSE</u>	<u>SENTENCE RANGE (MONTHS)</u>
COMMONLY USED GUN LAWS		
HS 11550(e)	Possession of a Loaded, Operable Firearm while under the influence	16-2-3 (CDCR, wobbler)
HS 11370.1	Possession of Controlled Substance w/ Loaded, Operable Firearm	2-3-4 (CDCR)
PC 487(d)(2)	Theft of a Firearm [Strike Offense, felony regardless of value]	16-2-3 (CDCR)
PC 496(a)	Possession of Stolen Firearm (< \$950 felony, > \$950 misdo)	16-2-3 (1170(h), wobbler)
PC 25300(a)	Carrying firearm in public while masked to hide identity	16-2-3 (1170(h), wobbler)
PC 18100, et seq	Gun Violence Restraining Orders; TRO, Procedures, Orders	
GUNS IN CARS		
<u>Carrying a Concealed Firearm</u>		
PC 25400(a)(1)	Concealed Firearm in Vehicle	Fact Specific
PC 25400(a)(2)	Concealed Firearm on Person	Fact Specific
PC 25400(a)(3)	Concealed on Passenger in Vehicle	Fact Specific
Felony if:	<ul style="list-style-type: none"> • Prior felony • Knew/should have known stolen • Active participating in criminal street gang • Not in lawful possession (PC 29800, 29900, 8100) • Prior conviction for crime against person, property or narcotics • Loaded or gun/unexpended ammo in immediate possession or readily available AND not listed with DOJ as RO 	
How to Carry:	<ul style="list-style-type: none"> • Person: carried on belt holster ≠ concealed (PC 25400) • Person: locked container to/from vehicle for lawful purpose (PC 25610) • Vehicle: locked container OR locked in vehicle's trunk (PC 25610) 	
Exemptions:	<ul style="list-style-type: none"> • Various but MUST be unloaded + locked container (PC 25505) • Residence, place of business, or private prop. owned (PC 25605) • Fishing/hunting: 25400 not applicable if licensed & engaged in fishing/hunting or unloaded driving to/from 	



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RULES FOR THE DRIVER (and owner!)		
PC 26100(a)	Driver OR owner (<i>whether or not owner occupying vehicle</i>) knowingly permitting another to carry loaded firearm in car	misdo
PC 26100(b)	Driver OR owner (<i>whether or not owner occupying vehicle</i>) knowingly permit another to discharge firearm from motor vehicle	16-2-3 (CDCR)
PC 26100(c)	Discharging firearm from motor vehicle at another person [Strike Offense, applies whether or not D is shooter]	3-5-7 (CDCR)
PC 26100(d)	Discharging firearm from motor vehicle [Strike Offense, applies whether or not D is shooter]	16-2-3 (CDCR, wobbler)
LOADED GUNS		
PC 25800	Carrying loaded firearm with intent to commit felony	16-2-3 (CDCR, wobbler)
PC 25850(a)	Carrying loaded firearm on person or in vehicle while in public place/street	Fact Specific
Felony if:	<ul style="list-style-type: none"> • Prior felony • Knew/should have known stolen • Active participating in criminal street gang • Not in lawful possession (PC 29800, 29900, 8100) • Prior conviction for crime against person, property or narco. • Not listed with DOJ as RO 	
Exemptions:	<ul style="list-style-type: none"> • Various • Person's place, residence, including temporary residence/campsite if otherwise lawful (PC 26055) 	
Openly Carrying an Unloaded Handgun		
PC 26350(a)(1)	Open carry an exposed unloaded handgun upon person out of vehicle in public	Fact Specific
PC 26350(a)(2)	Open carry an exposed unloaded handgun inside OR on vehicle in public	Fact Specific
Misdemeanor unless:	<ul style="list-style-type: none"> • Handgun and unexpended ammunition capable of discharged from that handgun in D's immediate possession AND not in lawful possession 	16-2-3 (CDCR, wobbler)
Exceptions:	<ul style="list-style-type: none"> • Various • Does not apply to unloaded handgun in locked trunk or locked container (PC 26389) 	
PC 26400(a)(1)	Carrying unloaded firearm that is NOT a handgun upon person outside of vehicle	Fact Specific
Misdemeanor unless:	<ul style="list-style-type: none"> • Firearm and unexpended ammunition capable of discharged from that firearm in D's immediate possession AND not in lawful possession 	16-2-3 (CDCR, wobbler)
Exceptions:	<ul style="list-style-type: none"> • Various (PC 26405) • Residence, place of business, or private prop owned (PC 25605) • B/w 25605 locations • Transported b/w non-prohibited locations in locked container or encased 	
Prohibited Persons and Firearms		
PC 29610	Possession of firearm capable of being concealed upon person by minor prohibited	Fact Specific



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PC 29650	Possession of live ammunition by minor prohibited	Fact Specific
Felony if:	- prior adjudication under 29610 or 29615 OR - prior adjudication under PC 29905 (violent crimes), PC 32625 (machine gun), PC 33410 (silencer)	16-2-3 (1170(h), wobbler)
PC 29800(a)(1)	- Conviction for OR outstanding warrant for a felony OR addicted to the use of any narcotic drug	16-2-3 (CDCR)
PC 29800(a)(2)	2 or more convictions under PC 417(a)(2)	16-2-3 (CDCR)
PC 29800(b)	Conviction of 245(a)(2); 245(a)(3), 245(d) from prosecution as an adult under Welf & Inst Code 707	16-2-3 (CDCR)
PC 29805	Possession of firearm within 10 years of certain misdemeanors	16-2-3 (CDCR, wobbler)
Qualifying Misdos:	<u>PC §</u> : 71, 76, 136.1, 136.5, or 140, 148(d), 148.5(f), Section 171b, 171c(a)(1), 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25300, 25800, 30315, or 32625, 26100(b), 26100(d), 27510, or 490.2 w/ a gun. <u>WI §</u> : 8100, 8101, 8103 (mental health sections) <u>WI §</u> : 871.5, 1001.5 (weapon, firearm in juvi hall, YA)	
PC 29815	Possession of firearm in violation of condition of probation but not subject to 29805 or 29800(a)	16-2-3 (CDCR, wobbler)
PC 29820	Possession of firearm by Juvenile Ward prior to age 30	16-2-3 (CDCR, wobbler)
Qualifying Offenses:	<u>PC §</u> : 136.1, 137, 186.22(b), 187, 664-187, 192(a), 203 w/ 1203.09(f), 205, 206, 207 w/ injury, 208(d), 209(a), 209(b), 209.5, all 211's, 215 armed w/ deadly/dangerous weapon, 215 w/ 1203.09(a) or (f), 2202 w/ 1203.09(a), 243 through 243.9 w/ 1203.09(f), 245(a)(1), 245(a)(2), 245(a)(3), 245(a)(4) (245(a)(1) force likely), 245(b), 245(c), 245(d), 245.2, 245.3, 245.5, 246, 261(a)(2), 261(a)(6) w/ 1203.09(a), 262(a)(1), 262(a)(4) w/ 1203.09(a), 264.1, 286(c)(2), 286(d), 288(b)(1), 288(b)(2), 288a(c)(2), 288a(d), 289(a)(1), 289(a)(2), 451(a), 451(b), 459-460(a) w/ 1203.09(a), 12022(b), 12022.5, 12022.53, 12034(c), 12308, felony + 16590, 18745, 26100(c), <u>WI §</u> : 871(b) w/ <u>GBI HS §</u> : 11379 (1/2 oz or more), 11379.5, 11379.6 (1/2 oz or more)	
PC 29825(a)	Purchasing/receiving OR attempting to purchase/receive firearm when subject to TRO (CCP 527.6, 527.8, 527.85) or protective order (FC 6218, PC 136.2 or 646.91, WI 15657.03)	16-2-3 (CDCR, wobbler)
PC 29825(b)	Owner/possess firearm when prohibited due to TRO (CCP 527.6, 527.8, 527.85) or protective order (FC 6218, PC 136.2 or 646.91, WI 15657.03)	16-2-3 (CDCR, wobbler)
PC 29900(a)	Possession of firearms by felon convicted of violent crime	16-2-3 (CDCR)
PC 29900(b)	Possession of firearm by felon convicted of violent crime when prosecuted as an adult under Welf & Inst Code 707	16-2-3 (CDCR)
Ammunition		
PC 30305(a)	Possession of ammunition or reloaded ammunition by felon or mental patient	16-2-3 (CDCR, wobbler)
PC 30310	Prohibition on ammunition on school grounds	



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PC 30315	Possession of handgun ammunition designed to penetrate metal or armor	16-2-3 (1170(h), wobbler)
PC 30320	Manufacture, sale, or transportation of handgun ammunition designed to penetrate metal or armor	16-2-3 (CDCR, wobbler)
PROHIBITED WEAPONS: Assault Weapons, etc. (**call Crime Lab if in doubt)		
PC 30600(a)	Manufacture, distribution, sale, offer for sale, import, transport, give or lend an assault firearm or .50 BMG rifle	4-6-8 (1170(h))
PC 30600(b)	Transfer, lends, sells, give away assault weapon or .50 BMG to minor	+1 consecutive
PC 30600(c)	3 or more = distinct and separate offense	
PC 30605	Possession of assault weapon	16-2-3 (1170(h))
PC 30510	Specific semiautomatic firearms designated "assault weapons"	
PC 30515(a)(1)	Assault Weapon also means: semiautomatic, centerfire rifle that does NOT have a fixed magazine but has ANY ONE of the following: <ul style="list-style-type: none"> - Pistol grip that protrudes conspicuously beneath the action of the weapon. - Thumbhole stock. - Folding or telescoping stock. - Grenade launcher or flare launcher. - Flash suppressor. - Forward pistol grip. 	
PC 30515(a)(2)	Assault Weapon also means: semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds	
PC 30515(a)(3)	Assault Weapon also means: semiautomatic, centerfire rifle that has an overall length of less than 30 inches	
PC 30515(a)(4)	Assault Weapon also means: semiautomatic pistol that does not have a fixed magazine but has any one of the following: <ul style="list-style-type: none"> - Threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer - Second handgrip - Shroud attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon w/out burning the bearer's hand, except a slide that encloses the barrel - The capacity to accept a detachable magazine at some location outside of the pistol grip 	
PC 30515(a)(5)	Assault Weapon also means: semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds	
PC 30515(a)(6)	Assault Weapon also means: semiautomatic shotgun that has both of the following: <ul style="list-style-type: none"> - Folding or telescoping stock - Pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical grip 	
PC 30515(a)(7)	Assault Weapon also means: semiautomatic shotgun that has the ability to accept a detachable magazine	
PC 30515(a)(8)	Assault Weapon also means: any shotgun with a revolving cylinder	



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30605(b) Fine if:	- 2 or less - Lawfully possessed prior to date defined as assault weapon - no prior convictions of this article - in possession w/in 1 year of registration period pursuant to 30900 - person relinquished the firearm	
PC 30610(a)	Possession of .50 BMG rifle	16-2-3 (1170(h))
PC 30610(b) Fine if:	- possessed prior 1/1/2005 - no prior convictions of this article - in possession w/in 1 year of registration period pursuant to 30905	
PC 31360	Purchase or possession of body armor by felon convicted of violent felony	16-2-3 (CDCR)
PC 31500	Possession or manufacture of, or offer to sell unconventional pistol	16-2-3 (1170(h), wobbler)
PC 32310(a)	Manufacture of, offer to sell, purchase, or receive large-capacity magazine	16-2-3 (1170(h), wobbler)
PC 32310(c)	Possession large-capacity magazine	
PC 32625(a)	Possession or transportation of machinegun	16-2-3 (1170(h))
PC 32625(b)	Conversion of firearm into machinegun, manufacture or sale of machinegun	4-6-8 (1170(h))
PC 33215	Possession or manufacture of, or offer to sell short-barreled rifle or short-barreled shotgun (rifle: >16" barrel, shotgun: >18 inch barrel)	16-2-3 (1170(h), wobbler)
PC 33410	Possession of silencer	16-2-3 (1170(h))
PC 33600	Possession or manufacture of, or offer to sell zip gun	16-2-3 (1170(h))
<u>Disguised or Misleading Appearance</u>		
PC 23900	Changing or removing identifying data on pistol, revolver, or any other firearm w/out DOJ approval	16-2-3 (1170(h))
PC 23920	Possession/sale w/ knowledge of altered/obliterated firearm make, model, marker	Misdo
PC 24310	Manufacture, import, possession for sale or possess <i>camouflaged firearm container</i>	16-2-3 (1170(h), wobbler)
PC 24510	Manufacture, import, possession for sale or possess <i>firearm not immediately recognizable as a firearm</i>	16-2-3 (1170(h), wobbler)
PC 24610	Manufacture, import, possession for sale or possess <i>undetectable firearm</i>	16-2-3 (1170(h), wobbler)
<u>Storage of Firearms</u>		
PC 25110(a)	Criminal storage of firearm, 1st degree (minor gets ahold of a gun that owner knew minor had access to and causes GBI/death)	16-2-3 (1170(h), wobbler)
PC 25100(b)	Criminal storage of firearm, 2 nd degree (minor gets ahold of gun owner knew minor had access to and minor takes gun in public)	Misdo
PC 25100(c)	Criminal storage of firearm, 3 rd degree (neglig store gun around minor)	Misdo
PC 25140(a)	Leaving handgun in unattended vehicle	Infraction
PC 25200	Criminal storage – child obtains access and carries off-premises	Fact specific
<u>Lost or Stolen Firearms</u>		
PC 25250	Owner/possessor of firearm shall report loss/theft	Infraction – misdo



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SALES, TRANSFERS, ETC.		
PC 26180(b)	Making false statements on gun license application	16-2-3
PC 27500(a)	Knowingly giving, selling, supplying gun to prohibited person	2-3-4
PC 27505	Selling, loaning gun to a minor under 21 – non-dealer	misdo
PC 27510	Licensed dealer knowingly selling to minor	2-3-4
PC 28250(b)	Prohibited person knowingly providing fictitious or incorrect information or omitting information when registering gun	8-12-18

PERSONS INELIGIBLE TO POSSESS FIREARMS

LIFETIME PROHIBITIONS	
PC 29800	Any person convicted of any felony or any violent offense (PC 29905, 23515)
PC 29800	Any person with two or more convictions for violating Penal Code section 417, subdivision (a)(2)
Welf & Inst Code 8103(a)(1)	Any person adjudicated to be a mentally disordered sex offender.
Welf & Inst Code 8103(b)(1), (c)(1), and (d)(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.
10-YEAR PROHIBITIONS	
PC 29805	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	
Welf & Inst Code, § 8103(g)	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	
PC 29820	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(b).
MISCELLANEOUS PROHIBITIONS	
PC 29900	Any person denied firearm possession as a condition of probation pursuant to Penal Code section 29900, subdivision (c).
18 U S C 922(g)	Any person charged with a felony offense, pending resolution of the matter.
Welf & Inst Code 8103(e)	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.
PC 29800(a)	Any person addicted to the use of narcotics.



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Welf & Inst Code 8100(b)	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.
PC 29825	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.

FIREARM ENHANCEMENTS

COUNT	OFFENSE	TERMS (IN YEARS)
PC 12021.5(a)	Carrying firearm while committing street gang crime	1, 2, 3
PC 12021.5(b)	Carrying firearm with detachable magazine while committing street gang crime	2, 3, 4
PC 12022(a)(1)	Being principal in commission of felony while another principal is armed with a firearm	1
PC 12022(a)(2)	Being principal in commission of felony while another principal is armed with assault firearm/machine gun/.50 BMG	3
PC 12022(c)	Being personally armed with firearm while committing drug offenses	3, 4, 5
PC 12022(d)	Being unarmed principal in the commission of drug offense knowing another principal is personally armed with a firearm	1, 2, 3
PC 12022.2(a)	Being armed with firearm and possessing metal-piercing ammo	3, 4, 10
PC 12022.3(a)	Using firearm or deadly firearm in commission of sex offense	3, 4, 10
PC 12022.3(b)	Being armed with firearm or deadly firearm in commission of sex offense	1, 2, 5
PC 12022.4(a)	Supplying firearm for commission of felony	1, 2, 3
PC 12022.5(a)	Personally using firearm	3, 4, 10
PC 12022.5(b)	Personally using assault firearm or machine gun	5, 6, 10
PC 12022.53(b)	Personally using firearm while committing PC 187, 203/205, 207/209/209.5, 211, 215, 220, 245(d), 261/262, 264.1, 286, 288/288.5, 288a, 289, 4500, 4501, 4503; any felony punishable by death or life in prison; or any attempt of the above other than an assault	10
PC 12022.53(c)	Discharging firearm while committing specified felonies (see above)	20
PC 12022.53(d)	Discharging firearm causing GBI/death while committing specified felonies (see above)	25 to life
PC 12022.55	Discharging firearm from vehicle causing GBI/death	5, 6, 10
PC 27590(d)	Unlawful firearm transaction and firearm subsequently used in commission of felony	1, 2, 3
PC 30600(b)	Selling or giving assault firearm or .50 BMG to minor	1
PC 30615	Manufacture/transport/sale/possession of assault firearm or .50 BMG while committing another crime	1



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