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State senator Jack Scott moves bill to repeal most gun carry rights across California!

While gun rights are surging across America in state legislatures, the Congress, and the courts, California state Senator Jack Scott (D – Altadena) is pushing SB 1171, a Trojan horse measure advertised as a bill to merely “REDEFINE ‘LOADED FIREARM.’”[1]

The bill actually bans the open carry of handguns in vehicles in ALL unincorporated areas of California.[2]

As a practical matter, the open carry of handguns in California is the only way most adults can carry handguns for self-defense because California’s concealed handgun issuance program is discretionary – and many Sheriffs, like in Los Angeles, essentially refuse to issue them. Contrast this with the laws of most states which require no permit to open carry even in incorporated areas, and further, require issuance of concealed handgun permits to anyone not disqualified by law.

Now while it’s true that the open carry of handguns in California is not lawful in incorporated areas, and where Counties have prohibited the practice in unincorporated areas, **most of California is unincorporated** and **few counties restrict gun carry rights.** [3] And deserted roads running through California’s vast forests, deserts, and mountain areas without emergency 911 services are exactly where folks are most likely to want to carry a handgun for selfdefense! And Scott’s bill, requiring folks to carry their handguns unloaded while in vehicles, actually creates a safety risk by forcing people to constantly load, and unload, in public areas like gas stations and rest stops, every time their exit or enter their vehicle, respectively.

In any event, Senator Scott’s allies, the NOT concealed handgun permit issuing office of the Los Angeles Sheriff, in Kafkaesque fashion, now call the existing law allowing open carry generally in unincorporated areas a “patchwork loophole.”[4]

If the California legislature wants to close a loophole, they should start by requiring Sheriffs to issue concealed handgun permits to County residents unless they are disqualified by law, and/or repeal the ban on open carry in incorporated areas.

But not Scott – Scott wants to target law abiding citizens carrying guns legally for self-defense by labeling anyone who carries a gun as “nefarious people” with “evil intent”! Says Scott: “This is a very helpful matter to target nefarious people who have an evil intent on the other hands . . . [n]ormally if you’re carrying around a loaded gun, you’re ready for action. It’s not like a hunter who goes out into the woods, loads his gun and hunts deer or quail.”[5]

It looks like Senator Scott did not get the FBI memo - bad guys don’t open carry, nor wear holsters.[6]

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Footnotes

[1] See <http://nramemberscouncils.com/legs.shtml?summary=sb1171&year=2008>

[2] **POLITICAL LANDSCAPE: Lawmaker targets gun 'loophole'**, Burbank Leader, April 11, 2008, available at <http://www.burbankleader.com/artides/2008/04/12/politics/gnp-pollandscape11.txt>.

[3] See generally *People v. Knight*, 121 Cal.App.4th 1568 (Cal. App. 3 Dist. 2004) (holding that the open carry of loaded handguns in vehicles is lawful in unincorporated areas except where locally prohibited), available at September 02, 2004 <http://caselaw.lp.findlaw.com/data2/californiastatecases/c045858.pdf>; Op. Atty. Gen., 51 Ops. Cal. Atty. Gen. 197 (1968) ("section 12031 does not prohibit the carrying of a rifle or shotgun with unexpended shells or cartridges in the magazine on a public road in an unincorporated area where there are no local ordinances or other laws or regulations prohibiting the discharge of firearms"); David Watson, C.A.: Firearm Ban Applies Only Where Shooting Is Illegal, Metropolitan News-Enterprise, Spt. 3, 2004, available at <http://www.metnews.com/articles/2004/knig090304.htm>.

[4] **POLITICAL LANDSCAPE: Lawmaker targets gun 'loophole'**, Burbank Leader, April 11, 2008, available at <http://www.burbankleader.com/articles/2008/04/12/politics/gnp-pollandscape11.txt>.

[5] *Id.*

[6] Dr. Anthony Pinizzotto et al., *Violent Encounters: A Study of Felonious Assaults on Our Nation's Law Enforcement Officers* (FBI 2006) (finding that violent criminals "eschew holsters" and always seek to conceal their guns), summarized at <http://www.forcesciencenews.com/home/detail.html?serial=62>.