

FEDERAL STATUTES

A commonly misapplied law is U.S.C. 18.144.926. Many LEOs wrongly see this as a requirement, as the only way to legally carry a firearm in a vehicle. This is an entitlement clause providing an exemption from prosecution under State, County, or Local firearms laws IF you **CHOOSE TO** carry in accordance with this section while traveling interstate. If you choose not to carry as explained in this section, you can only be prosecuted if you violate specific State, County, or Local laws.

U.S. CODE Title 18, Part 1, Chap 44

§ 926A, Interstate transportation of firearms.

Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm **shall be entitled** to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, that in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

§ 930 Possession of firearms and dangerous weapons in Federal facilities.

Can't carry a firearm/weapon into any building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.

CODE OF FEDERAL REGULATIONS

Title 36, Chapter 1, Section 2.4 - Carry of firearms in National Parks is generally prohibited.

NOTE: A Law was recently passed that will allow carry in National Parks as long as such carry is not prohibited by State or Local Laws. This Law takes effect in Feb 2010.

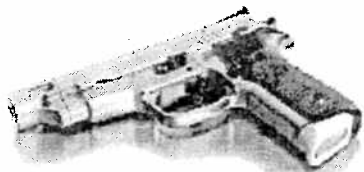
Title 39, Chapter 1, Section 232.1 (I) - No person while on postal property may carry firearms, either openly or concealed except for official purposes.

National Forest and BLM: Firearms are generally permitted, if carried/used in safe manner, and the users comply with state and county laws. However, different forests and ranger districts sometimes have different rules. It would be best to contact a local ranger station before carrying.

This pamphlet is NOT legal advice; it is based solely on the author's limited understanding of California Penal Code. The author is NOT a lawyer. Please review the Penal Code fully for yourself and consult a legal professional about any questions on the legality of Open Carry.

The author assumes no responsibility or liability for actions taken by anyone other than the author himself.

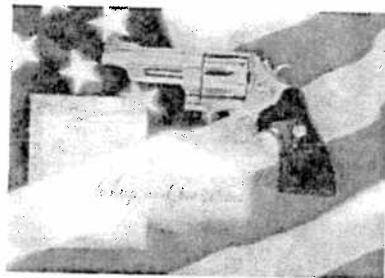
FOR MORE INFO ON OPEN CARRY PLEASE VISIT



HTTP://OPENCARRY.ORG

**California - Open Carry
No License Required**

YES, IT'S LEGAL!



In California if you can legally own a firearm, you can **legally open carry** a firearm.

There are restrictions, but with some planning and forethought a law abiding citizen can open carry a firearm legally.

The keys are; know the laws, know your surroundings, know your rights, and know the telephone number of a good lawyer.

Chances are sooner or later you will be stopped by a Law Enforcement Officer (LEO) who may not be familiar with the intricacies of open carry and/or mistakenly believes law abiding citizens need a License to Carry a Concealed Weapon (LTC) in order to legally carry a firearm.

Be Polite, Be Patient, Be Prepared, and Be Steadfast in Your Resolve.

LOADED OPEN CARRY (LOC) is limited to areas of unincorporated territory where firearms discharge isn't illegal.

UNLOADED OPEN CARRY (UOC) (Firearm in belt holster, full magazine in holder on belt) by a law abiding individual is legal anywhere a firearm is not otherwise prohibited by law or by PC 171e definition of a loaded firearm.

NOTE: Be aware some localities have ordinances against firearm carry, they are preempted by CA law and case law, but you may still be detained.

PC171b - Can't bring any firearm into state or local public buildings or to any meeting that is required to be open to the public.

c - No **Loaded** firearms in State Capitol, legislative offices, Governor's or other constitutional officer's office, or any Senate or Assembly committee hearing rooms or on State Capitol grounds, bound by 10th, L, 15th, and N Streets, Sacramento.

d - Can't possess a **Loaded** firearm in the Governor's, Legislator's, or any other constitutional officer's residences.

e - **Loaded** firearm for 171c and 171d is defined as: both the firearm and ammunition for that firearm are in the immediate possession of the same person.

NOTE: State Capitol is a State Park, so no carry at all in other areas listed, go with a friend who carries a different caliber handgun; openly carry each others magazines to comply with 171c and d.

PC171.5 - Bringing a firearm into a "STERILE AREA" of an Airport is a misdemeanor. A Sterile Area is an area where access is controlled through the screening of persons and property.

PC374c - Shooting a firearm from or upon a public road or highway is a misdemeanor.

PC626.9 - No open carry within 1000 feet of a K-12 school - FELONY OFFENSE.

(i) - Can't carry on public/private University property without written permission from University President or a designated representative.

PC626.95 - Unloaded Open Carry is legal upon the grounds of a playground, or public or private youth center, unless you are violating PC417 (Brandishing), PC12025 (Concealed Weapon), or PC12031 (Loaded Firearm).

PC12001(i) - **LOADED** firearm **FOR PC12023** is defined as both a firearm and ammunition for that firearm in immediate possession of same person.

Other instances of Gun + Ammo = Loaded
PC12021.5 - Deals with street gang crimes as listed in PC 186.22.

PC12022.2 - Deals with armor piercing ammo.
PC12023 - Deals with intent to commit a felony.

PC12025 - Deals with **CONCEALED** firearms.
(f) - Firearms carried openly in belt holsters are **Not Concealed** within the meaning of this section.

NOTE: Case Law (People v. Hale 1974) regards concealed magazine as equivalent of concealed firearm; it's an "essential component of the firearm". A full magazine in a holder on a belt should be the same as a firearm carried openly in a belt holster. A speed loader isn't part of a firearm; you can carry a speed loader concealed in your pocket without worry of prosecution.

PC12026(a) - Permits concealed or open carry in your residence, on your property or at your place of business.

(b) - No permit required to purchase/own firearms.
(c) - PC 12026 **does not** affect PC12031.

PC12026.1 + 12026.2 - List of exemptions to PC12025 laws on **concealed** firearms.

PC12031 - Can't carry a **LOADED** firearm in an incorporated city or in a prohibited area of unincorporated territory without a LTC.

(e) - Police are allowed to check if your firearm is loaded **ONLY IF** in an incorporated city or prohibited area of an unincorporated territory.

(f) - Prohibited area is defined as anywhere that discharging a firearm is illegal.

(g) - For PC12031, Loaded firearm defined as when there is an unexpended cartridge or shell in,

or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof **attached to the firearm.**

NOTE: CASE LAW (People v. Clark, 1996) CA Court of Appeals states for a firearm to be loaded it must have ammunition "placed into a position from which it can be fired".

(j)(1) - You can carry a loaded firearm, if otherwise lawful, if you reasonably believe that you or another, or your property or another's property are in immediate, grave danger and carrying the weapon is necessary for preservation of that person or property. "Immediate" means the brief interval before and after the local law enforcement agency, when reasonably possible, has been notified of the danger and before the arrival of its assistance.

(k) - You can carry a loaded firearm while making or attempting to make a lawful arrest.

NOTE: For PC12031(e) to be a valid statute, open carry of unloaded firearms must be a legal action. If a full magazine of ammunition is openly carried in a holder on the belt, but not attached to the firearm in any way, the firearm is by definition unloaded as the ammunition is in no way attached to the firearm.

California Code of Regulations

Title 14, Div 3, Chap 1

Section 4313 - Carry of firearms in State Parks is generally prohibited.

OPEN CARRY IN VEHICLES: CA Penal Code contains nothing making unloaded open carry in a vehicle illegal. PC374c appears to make public roads or highways "prohibited areas". (People v. Young) shows that only county ordinances make an area prohibited by law. PC626.9 also applies if you are open carrying while knowingly within 1000 feet of a school zone.

This pamphlet may be obtained electronically at:
<http://opencarry.mywowbb.com/forum12/8457.html>