

## Firearms Safety Memorandum

Date published: 11/15/19  
California Department of Education

**To:** Parents and Guardians

**Subject: California Law Regarding Safe Storage of Firearms**

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The purpose of this memorandum is to inform and to remind parents and legal guardians of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.

To help everyone understand their legal responsibilities, this memorandum spells out California law regarding the storage of firearms. Please take some time to review this memorandum and evaluate your own personal practices to assure that you and your family are in compliance with California law.

- California makes a person criminally liable for keeping a loaded firearm, under their custody and control, where that person knows or reasonably should know that a child 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: (1) causes death or great bodily injury to the child or any other person; (2) carries the firearm to a public place, including to any preschool or school grades kindergarten through twelfth grade, including to any school-sponsored event, activity, or performance; or (3) brandishes a firearm to others. The criminal penalty may be greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.<sup>1</sup>
- As of 2014, California makes a person criminally liable if they negligently store or leave any loaded firearm on their premises where a child is likely to gain access to it—regardless of whether or not the child brings the gun to a public place.<sup>1</sup>
- A parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward. These damages may be up to \$30,000 per victim.<sup>2</sup>

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<sup>1</sup> See California Penal Code sections 25100 through 25125; 25200 through 25220.

<sup>2</sup> See California Civil Code Section 1714.3.

**Note:** Gun owners may avoid criminal liability under California Penal Code Section 25100 by keeping their firearm in a locked container or secured with a locking device that renders the firearm inoperable.<sup>3</sup>

Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

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<sup>3</sup> See California Penal Code sections 25105; 25205.