

# CALIFORNIA GUN LAW CHEAT SHEET

## 2022 Edition

Santa Clara County District Attorney's Office

### COMMONLY USED GUN LAWS

PC Section*	Offense	Sentencing
<b>16520(a)</b>	“Firearm” means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion. (NOT: BB gun, Air Rifle, stun gun) <b>AS OF JULY 2022: includes firearm precursor parts (unfinished frames and receivers) in the definition of a “firearm” for most commonly-used code sections.</b>	
<b>DRUGS &amp; GUNS</b>		
<b>HS 11550(e)</b>	Possession of a Loaded, Operable Firearm while under the influence	16-2-3, wobbler
<b>HS 11370.1</b>	Possession of Controlled Substance w/ Loaded, Operable Firearm	2-3-4
<b>THEFT</b>		
<b>487(d)(2)</b>	Theft of a Firearm [Strike Offense, felony regardless of value]	16-2-3
<b>496(a)</b>	Possession of Stolen Firearm ( \$950+ felony, under \$950 misdo)	16-2-3, 1170(h), wobbler
<b>ASSAULTIVE CONDUCT</b>		
<b>417(a)(2)</b>	Brandishing a Firearm	Misdo
<b>417(c)</b>	Brandishing a Firearm in immediate presence of a peace officer	16-2-3, 1170(h), wobbler
<b>417.3</b>	Brandishing at Occupant of Motor Vehicle	16-2-3, 1170(h), wobbler
<b>417.4</b>	Draw/Exhibit Imitation Firearm (BB, toy gun, or other)	Misdo
<b>245(a)(2)</b>	Assault upon a person with firearm	2-3-4, wobbler
<b>245(a)(3)</b>	Assault upon a person with a machinegun or assault weapon	4-8-12
<b>245(b)</b>	Assault with semiautomatic firearm	3-6-9
<b>246</b>	Discharge firearm at inhabited house, occupied vehicle/building	3-5-7
<b>246.3</b>	Willful discharge of firearm in grossly negligent manner	16-2-3, 1170(h), wobbler
<b>247(b)</b>	Shooting at unoccupied car or uninhabited house	16-2-3, wobbler
<b>MISCELLANEOUS</b>		
<b>25300</b>	Carrying Firearm in Public Place While Masked	16-2-3, 1170(h)
<b>18100, et seq</b>	<b>Gun Violence Restraining Orders</b> ; TRO, Procedures, Orders Go to <a href="http://www.speakforsafety.org">www.speakforsafety.org</a> for further information	

### GHOST GUNS & “PRECURSOR PARTS”

<b>29180</b>	DOJ requires that owners <b>obtain unique serial number</b> or mark from DOJ before assembling, and then engrave/affix to firearm. So, unserialized firearms violate this section UNLESS they've applied for serial #.	Misdo
<b>16531</b> <b>** As of 7/1/2022 **</b>	“Firearm Precursor Part” defined as unfinished frame or receiver Definition of firearm includes unfinished frames and receivers as it relates to prohibited persons, so prohibited persons cannot have unfinished frames and receivers (FPPs).	
<b>23920</b>	<b>Effective 1/1/2024</b> , it will be a crime to possess an unserialized firearm or FPP	Misdo
<b>29010</b>	Using a 3D printed to manufacture any firearm or FPP not allowed unless you're a licensed firearm manufacturer	Misdo

### GUNS IN CARS

PC Section	Offense	Sentencing
<b>CONCEALED FIREARMS</b>		
<b>25400(a)(1)</b>	Concealed Firearm in Vehicle	Fact Specific



Questions? Contact the Crime Strategies Unit:  
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<b>25400(a)(2)</b>	Concealed Firearm on Person	Fact Specific
<b>25400(a)(3)</b>	Concealed on Passenger in Vehicle	Fact Specific
<b>Felony if:</b>	(c)(1) Prior Felony (c)(2) Knew/should have known stolen (16-2-3) (c)(3) Active participant in a criminal street gang (16-2-3) (c)(4) Not in lawful possession (16-2-3) (c)(5) Prior conviction for a crime against person, property, or narcotics (16-2-3 (1170(h), wobbler) (c)(6) Loaded or gun/unexpended ammo in immediate possession or readily available AND not listed with DOJ as RO (16-2-3 (1170(h), wobbler)	
<b>How to Carry:</b>	Person: carried on belt holster ≠ concealed (PC <a href="#">25400</a> ) Person: locked container to/from vehicle for lawful purpose (PC <a href="#">25610</a> ) Vehicle: locked container OR locked in vehicle's trunk (PC <a href="#">25610</a> )	
<b>Exemptions:</b>	<ul style="list-style-type: none"> <li>• Various but MUST be unloaded + locked container (PC <a href="#">25505</a>)</li> <li>• Residence, place of business, or private prop. owned (PC <a href="#">25605</a>)</li> </ul>	
<b><u>RULES FOR THE DRIVER (and owner!)</u></b>		
<b>26100(a)</b>	Driver <b>OR</b> owner ( <i>whether or not owner occupying vehicle</i> ) knowingly permitting another to carry loaded firearm in car	misdo
<b>26100(b)</b>	Driver <b>OR</b> owner ( <i>whether or not owner occupying vehicle</i> ) knowingly permit another to discharge firearm from motor vehicle	16-2-3, wobbler
<b>26100(c)</b>	Discharging firearm from motor vehicle at another person [ <b>Strike Offense, applies whether or not D is shooter</b> ]	3-5-7
<b>26100(d)</b>	Discharging firearm from motor vehicle [ <b>Strike Offense, applies whether or not D is shooter</b> ]	16-2-3, wobbler

### LOADED FIREARMS

PC Section	Offense	Sentencing
<b>25800</b>	Carrying loaded firearm with intent to commit felony	16-2-3, wobbler
<b>25850(a)</b>	Carrying loaded firearm on person or in vehicle while in public place/street	Fact Specific
<b>Felony if:</b>	(c)(1) Prior Felony (16-2-3) (c)(2) Knew/should have known stolen (16-2-3) (c)(3) Active participant in a criminal street gang (16-2-3) (c)(4) Not in lawful possession (16-2-3) (c)(5) Prior for a crime against person, property, or narcotics (c)(6) Not listed with DOJ as registered owner (16-2-3, wobbler)	
<b>Exemptions:</b>	Various - Person's place, residence, including temp residence if otherwise lawful (PC <a href="#">26055</a> )	

### OPENLY CARRYING AN UNLOADED FIREARM

PC Section	Offense	Sentencing
<b>26350(a)(1)</b>	Open carry an exposed unloaded handgun upon person out of vehicle in public	Fact Specific
<b>26350(a)(2)</b>	Open carry an exposed unloaded handgun inside <b>OR</b> on vehicle in public	Fact Specific
<b>Misdemeanor unless:</b>	Handgun and unexpended ammunition capable of discharged from that handgun in D's immediate possession <b>AND</b> not in lawful possession	16-2-3, wobbler
<b>Exceptions:</b>	- Various – Doesn't apply to unloaded handgun in locked trunk or locked container (PC <a href="#">26389</a> )	
<b>26400(a)(1)</b>	Carrying unloaded firearm that is NOT a handgun upon person outside of vehicle	Fact Specific
<b>Misdemeanor unless:</b>	Firearm and unexpended ammunition capable of discharged from that firearm in D's immediate possession <b>AND</b> not in lawful possession	16-2-3, wobbler



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GUN SALES		
Section	Offense	Sentencing
27500	Knowingly giving, selling, supplying gun to prohibited person	2-3-4
27510	Licensed dealer knowingly selling to minor	2-3-4
27505	Selling firearm to a minor * <b>Felony</b> to sell a <u>handgun</u> to minor under 21 (1170(h), 16-2-3, wobbler) * be careful with rifles, 9 <sup>th</sup> Cir. Case says ok to sell to 18-21	*depends
27590(b)(5)	Gang member selling gun	2-3-4, 1170(h)
27585	Resident knowingly importing <u>handgun</u> in an effort to avoid CA laws – this section has many exceptions, but mostly for dealers, etc...so this is intended for the trafficker who doesn't follow any CA laws	16-2-3, 1170(h), wobbler
27545	Selling/Offering to sell <u>handgun</u> if neither party is a licensed dealer	16-2-3, 1170(h), wobbler
28250(b)	Prohibited person knowingly providing fictitious or incorrect information or omitting information when registering gun	8-12-18 (months)
27520	Buying a gun knowing you will sell it to another (Straw Purchase)	16-2-3, 1170(h), wobbler
26180(b)	Making false statements on gun license application	16-2-3

PROHIBITED WEAPONS: Assault Weapons, etc. (**call Crime Lab if in doubt)		
Section	Offense	Sentencing
30605	Possession of Assault Weapon	16-2-3 (1170(h))
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))
30600(b)	Transfer, lends, sells, give away assault weapon or .50 BMG to minor	+1 consecutive
30600(c)	3 or more = distinct and separate offense	
30510	Specific semiautomatic firearms designated “assault weapons”	
30515(a)(1)	Assault Weapon Definitions * <a href="#">see end for further definitions</a>	
30610(a)	Possession of .50 BMG rifle **some exceptions apply, check 30610(b)	16-2-3 , 1170(h)
31360	Purchase or possession of body armor by felon convicted of violent felony	16-2-3 (CDCR)
31500	Possession or manufacture of, or offer to sell unconventional pistol	16-2-3, 1170(h), wobbler
32310(a)	Manufacture of, imports into the state, offers to sell, or who gives, lends, buys, or receives large-capacity magazine	16-2-3, 1170(h), wobbler
32310(c)	***Possession Only of large-capacity magazine *** CANNOT USE THIS!!!	Injunction **DO NOT USE!!
32625(a)	Possession or transportation of machinegun	16-2-3, 1170(h)
32625(b)	Conversion of firearm into machinegun, manufacture or sale of machinegun	4-6-8, 1170(h)
16880	Machinegun means: any weapon that shoots, is designed to shoot, or can readily be restored to shoot, <b>automatically more than one shot, without manual reload, by single function of the trigger;</b> - also includes the <b>frame or receiver</b> of any weapon described in subdivision (a), <b>any part</b> designed and intended solely and exclusively, or <b>combination of parts</b> designed and intended, <b>for use in converting a weapon into a machinegun</b>	
32900	Possession of Multiburst Trigger Activator	16-2-3, 1170(h), wobbler
33215	Possession or manufacture of, or offer to sell short-barreled rifle or short-barreled shotgun (rifle: under 16” barrel, shotgun: under 18 inch barrel)	16-2-3, 1170(h), wobbler
33410	Possession of silencer	16-2-3, 1170(h)



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<b>33600</b>	Possession or manufacture of, or offer to sell zip gun	16-2-3, 1170(h)
<b>PROHIBITED PERSONS POSSESSION CRIMES</b>		
Section	Offense	Sentencing
<b>29610</b>	Possession of firearm by minor (capable of being concealed upon person)	Fact Specific
<b>29650</b>	Possession of live ammunition by minor	Fact Specific
<b>Felony if:</b>	- prior adjudication under <a href="#">29610</a> or <a href="#">29615</a> OR - prior adjudication under PC <a href="#">29905</a> (violence), PC <a href="#">32625</a> , PC <a href="#">33410</a>	16-2-3, 1170(h), wobbler
<b>29800(a)(1)</b>	Possession of firearm by person with prior felony conviction OR addicted to the use of any narcotic drug -CALCRIM 2510: firearm definition includes frame or receiver - As of July 2022, firearm includes unfinished frames/receivers (FPP)	16-2-3
<b>29805(a)</b>	Possession of firearm within 10 years of certain <a href="#">misdemeanors</a> <b>Qualifying Misdos:</b> See List Below under “10 year Prohibition”	16-2-3, wobbler
<b>29805(b)</b>	Person convicted of misdo 273.5 on or after 1/1/19	16-2-3, wobbler
<b>29815</b>	Possession of firearm in violation of condition of probation but not subject to <a href="#">29805</a> or <a href="#">29800(a)</a>	16-2-3, wobbler
<b>29820</b>	Possession of firearm by <a href="#">Juvenile</a> Ward prior to age 30 <b>Qualifying Juvie Priors:</b> Listed in Chart Below	16-2-3, wobbler
<b>29825(a)</b>	<b>Restrained persons:</b> 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) [but not GVRO]	16-2-3, wobbler
<b>29825(b)</b>	Own/Possess firearm when prohibited due to orders listed above	16-2-3, wobbler
<b>29900(a)</b>	Possession of firearms by felon convicted of violent crime	16-2-3
<b>29900(b)</b>	Possession of firearm by felon convicted of violent crime when prosecuted as an adult under Welf & Inst Code 707	16-2-3

<b>PROHIBITED PERSONS – Detailed List</b>	
<b>LIFETIME PROHIBITIONS</b>	
<b>29800</b>	Any person convicted of any felony or violent offense (PC 29905, 23515) or misdemeanor 273.5 Any person with two or more convictions for violating Penal Code section 417, subdivision (a)(2)
<b>WI 8103(a)(1)</b>	Any person adjudicated to be a mentally disordered sex offender.
<b>WI 8103(b)(1), (c)(1), and (d)(1)</b>	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.
<b>10-Year Prohibitions – MISDEMEANOR PRIORS</b>	
<b>29805</b>	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 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.
<b>5-Year Prohibitions</b>	
<b><a href="#">WI Code § 8103(g)</a></b>	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.
<b>JUVENILE PROHIBITIONS – until age 30</b>	



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<b>29820</b>	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).
<b>Qualifying Juvie Priors:</b>	PC §: 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)
<b>MISC. PROHIBITIONS</b>	
<b>29900</b>	Any person denied firearm possession as a condition of probation pursuant to Penal Code section 29900, subdivision (c).
<b>18 U S C 922(g)</b>	Any person charged with a felony offense, pending resolution of the matter.
<b>WI 8103(e)</b>	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.
<b>29800(a)</b>	Any person addicted to the use of narcotics.
<b>29825</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.
<b>18205</b>	Possession of firearm or ammunition while subject to GVRO.

### DISGUISED OR MISLEADING APPEARANCE

Section	Offense	Sentencing
<b>23900</b>	Changing or removing identifying data on pistol, revolver, or any other firearm w/out DOJ approval	16-2-3, 1170(h)
<b>23920</b>	Possession/sale w/ knowledge of altered/obliterated firearm make, model, marker	Misdo
<b>24310</b>	Manufacture, import, possession for sale or possess <i>camouflaged firearm container</i>	16-2-3, 1170(h), wobbler
<b>24510</b>	Manufacture, import, possession for sale or possess <i>firearm not immediately recognizable as a firearm</i>	16-2-3, 1170(h), wobbler
<b>24610</b>	Manufacture, import, possession for sale or possess <i>undetectable firearm</i> <b>THIS DOES NOT MEAN "Ghost Gun" – see ghost gun section above</b>	16-2-3, 1170(h), wobbler

### CRIMINAL STORAGE OF FIREARMS

Section	Offense	Sentencing
<b>25110(a)</b>	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
<b>25100(b)</b>	Criminal storage of firearm, 2 <sup>nd</sup> degree (minor gets ahold of gun owner knew minor had access to and minor takes gun in public)	Misdo
<b>25100(c)</b>	Criminal storage of firearm, 3 <sup>rd</sup> degree (negligent store gun around minor)	Misdo
<b>25140(a)</b>	Leaving handgun in unattended vehicle	Infraction
<b>25200</b>	Criminal storage – child obtains access and carries off-premises	Fact specific
<b>25250</b>	Owner/possessor of firearm shall report loss/theft	Infraction – misdo



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## AMMUNITION

<b>30305(a)</b>	Possession of ammunition or reloaded ammunition by felon	16-2-3, wobbler
<b>30310</b>	Prohibition on ammunition on school grounds	misd.
<b>30314</b>	Transporting ammunition into CA from out of CA	Infraction
<b>30315</b>	Possession of handgun ammunition designed to penetrate metal or armor	16-2-3, 1170(h), wobbler
<b>30320</b>	Manufacture, sale, or transportation of handgun ammunition designed to penetrate metal or armor	16-2-3, wobbler

## ASSAULT WEAPON FURTHER DEFINED

<b><u>30515(a)(1)</u></b>	(1) A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following: <ul style="list-style-type: none"> <li>- pistol grip that protrudes conspicuously beneath the action of the weapon.</li> <li>- thumbhole stock.</li> <li>- folding or telescoping stock.</li> <li>- grenade launcher or flare launcher.</li> <li>- flash suppressor</li> <li>- forward pistol grip.</li> </ul>
<b>30515(a)(2)</b>	Assault Weapon also means: semiauto, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds
<b>30515(a)(3)</b>	Assault Weapon also means: semiauto, centerfire rifle that has an overall length of less than 30 inches
<b>30515(a)(4)</b>	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"> <li>- Threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer</li> <li>- Second handgrip</li> <li>- 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</li> <li>- The capacity to accept a detachable magazine at some location outside of the pistol grip</li> </ul>
<b>30515(a)(5)</b>	Assault Weapon also means: semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds
<b>30515(a)(6)</b>	Assault Weapon also means: semiautomatic shotgun that has both of the following: <ul style="list-style-type: none"> <li>- Folding or telescoping stock</li> <li>- Pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical grip</li> </ul>
<b>30515(a)(7)</b>	Assault Weapon also means: semiautomatic shotgun that has the ability to accept a detachable magazine
<b>30515(a)(8)</b>	Assault Weapon also means: any shotgun with a revolving cylinder



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