IMPORTANT NOTICE

California Law Regarding the Safe Storage of Firearms

Dear Parents and Guardians,

The Pasadena Unified School District believes that all children, faculty, and staff have the right to come to school every day without fear of gun violence. This should be a given, something that is not in our consciousness, something not becoming an everyday occurrence.

⚠ However, the irreparable consequences of gun violence, our official stance on gun safety and our unceasing desire to protect all PUSD students must be reiterated. It needs to be said – every year 19,000 children and teens are shot and killed or wounded, and approximately 3 million are exposed to gun violence. It needs to be said – in 2022, 34 students and adults died while more than 43,000 children were exposed to gunfire at school. (Washington Post) It needs to be said – on May 24, 2022, 19 students and two teachers were shot and killed at Robb Elementary School in Uvalde, Texas, the third deadliest school shooting in the United States. It needs to be said – it is a crime to keep a loaded or unloaded firearm in the home of a minor without properly storing and locking it in either a gun safe or with a firearm safety device.

To help everyone understand their legal responsibilities, this memorandum spells out California law regarding the storage of firearms. Penalties for not safely storing guns and not disabling firearms can include thousands of dollars in fines and/or incarceration. As parents or guardians, it is your legal obligation to protect minors from accessing firearms.

Criminal Liability for Child Access

With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are 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 injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; or (3) unlawfully brandishes the firearm to others. [1]

California Law Regarding the Safe Storage of Firearms (continued)

⚠ Negligent Storage is a Crime

With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor never actually accesses the firearm. [2]

10-Year Firearm Prohibition

In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years. [3]

Civil Liability

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. [4]

⊗ If a Child Finds or Sees a Gun

- Stop what you are doing
- Don't touch, not even to carry it to an adult
- Leave the area immediately
- Tell an adult

Beginning in the 2023-2024 school year, a new law requires school districts to include information related to the safe storage of firearms in the existing annual notifications to parents and guardians. Long before this law took effect, Pasadena Unified made it a point to remind parents about gun safety and provide life-saving information because in the hope of preventing further tragedy, it needs to be said.

Sincerely,
Dr. Elizabeth Blanco
Superintendent

[1] See California Penal Code sections 25100 through 25125 and 25200 through 25220.

[2] See California Penal Code section 25100(c).

[3] See California Civil Code Section 29805.

[4] See California Civil Code Section 1714.3.