

FIREARMS SAFETY MEMORANDUM

To: Parents and Guardians of Students in the Laguna Beach Unified School District

From: Don Austin, Ed.D., Superintendent

Subject: California Law Regarding Safe Storage of Firearms

The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in the **Laguna Beach Unified School District** of their responsibilities for keeping firearms out of the hands of children as required by California law. Seventy-four percent of children know where their parents' firearms are stored, and 60 percent report that they have handled them¹. Sadly, over 80 percent of teens who have died by suicide used a firearm that belonged to someone in their home². **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.

- 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.³

¹ Baxley F, Miller M. Parental Misperceptions About Children and Firearms. *Arch Pediatr Adolesc Med.* 2006;160(5):542–547. doi:10.1001/archpedi.160.5.542

² Barber, C., Azrael, D., Clark, D. E., & Hemenway, D. (2010). Who are the owners of firearms used in adolescent suicides?. *Suicide & life-threatening behavior*, 40(6), 609–611.

³ See California Penal Code sections 25100 through 25125 and 25200 through 25220. See California Penal Code section 25100(c).

- **Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- 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 child **never** actually accesses the firearm.⁴
- 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, having custody or control, owning, receiving, or purchasing a firearm for 10 years.⁵
- Finally, 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.⁶

Note: Your county or city may have additional restrictions regarding the safe storage of firearms.

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.

Sincerely,

Don Austin, Ed.D., Superintendent

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⁴ See California Penal Code section 25100(c).

⁵ See California Penal Code Section 29805.

⁶ See California Civil Code Section 1714.3.