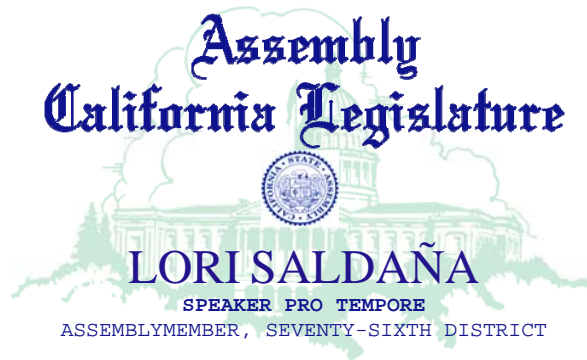


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## AB 1934 (SALDAÑA) – OPEN CARRYING QUESTIONS AND ANSWERS

**Question:** What would this bill do?

**Answer:** AB 1934 would prohibit the open carrying of unloaded handguns in public places. State law currently prohibits the concealed carrying of handguns without a permit and the open carrying of loaded handguns. However, state law allows individuals to openly carry unloaded handguns and to possess ammunition that is not attached to the weapon.

**Question:** What problem does this bill address?

**Answer:** As part of a growing “open carry movement” in California, gun enthusiasts have been openly carrying unloaded handguns in public places like coffee shops and restaurants, and at political rallies. Open carry advocates seek to normalize the carrying of firearms in public places, and to use open carrying to protest what they see as unjust state firearms laws, including California’s common sense restrictions on the issuance of concealed firearms licenses. Their threatening and confrontational conduct intimidates the public, wastes law enforcement resources and needlessly increases the risk of firearm-related deaths and injuries.

**Question:** Is open carrying really a problem if the guns are unloaded?

**Answer:** Yes. Because state law permits the open carrying of unloaded handguns and ammunition, the distinction between a loaded and unloaded gun is almost meaningless. According to the pro-open carry website [CaliforniaOpenCarry.org](http://CaliforniaOpenCarry.org), “with a little practice, one can easily load a handgun in under two seconds.”

**Question:** Does law enforcement support AB 1934?

**Answer:** Yes. Open carrying creates significant problems for law enforcement officers who must respond to 911 calls from citizens concerned about people carrying guns in public. A press release issued by the San Mateo County Sheriff’s Office described the challenges that open carrying creates:

Open carry advocates create a potentially very dangerous situation. When police are called to a “man with a gun” call they typically are responding to a situation about which they have few details other than that one or more people are present at a location and are

armed. Officers may have no idea that these people are simply “exercising their rights.” Consequently, the law enforcement response is one of “hypervigilant urgency” in order to protect the public from an armed threat. Should the gun carrying person fail to comply with a law enforcement instruction or move in a way that could be construed as threatening, the police are forced to respond in kind for their own protection. It’s well and good in hindsight to say the gun carrier was simply “exercising their rights” but the result could be deadly. Simply put, it is not recommended to openly carry firearms.

AB 1934 has been endorsed by the California Police Chiefs Association, the Peace Officers Research Association of California and by the Los Angeles County Sheriff’s Department.

**Question:** Would a ban on open carrying violate the Second Amendment?

**Answer:** No. Nothing in the Constitution guarantees the right to openly carry a gun in public. In *District of Columbia v. Heller*, the Supreme Court held for the first time that the Second Amendment guarantees an individual right to possess a firearm in the home for self-defense. Because open carrying does not impact an individual’s right to self-defense in the home, and because there are significant public safety reasons to justify prohibiting this dangerous activity, a ban on open carrying would not conflict with the Second Amendment.<sup>i</sup>

**Question:** Isn’t the issue of open carrying better left to local governments?

**Answer:** No. Because state law currently regulates the open and concealed carrying of firearms, local efforts to ban open carrying would likely be challenged on the basis of state preemption. Regardless of the outcome of such challenges, the open carrying of firearms is best addressed by a uniform state law prohibiting this dangerous conduct.

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<sup>i</sup> Moreover, Supreme Court precedent holds that the Second Amendment does not restrict state and local governments. The Court has agreed to review that rule in a pending case, *NRA v. Chicago*, 567 F.3d 856 (7<sup>th</sup> Cir. 2009), cert. granted in *McDonald v. Chicago*, 174 L.Ed.2d 632 (U.S. Sept. 30, 2009) (No. 08-1521).