



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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## LEGAL UPDATE

November 17, 2017

**To:** Superintendents, Member School Districts (K-12)

**From:** Steven P. Reiner *SPR*  
Associate General Counsel

**Subject:** AB 424 Signed by Governor;  
Restrictions of Firearms on Campus  
Memo No. 40-2017

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In October of 2017, the Governor signed AB 424 which amends the Gun-Free School Zone Act.<sup>1</sup>

The new amendments to the law prohibit school administrators from granting permission to holders of a concealed-carry weapon permit from bringing a firearm within a school zone.

Prior to this new legislation, each school district and county office of education (“COE”) was authorized to decide at the local level whether or not qualified civilians could carry a firearm on campus. Previously, the Gun-Free School Zone Act allowed the superintendent, or designee, to grant written permission to civilians with a concealed-carry weapon permit to carry a firearm in a school zone.

The intent of AB 424 is to impose uniform restrictions on the possession of firearms in school zones throughout California.

The amendments exempt programs that involve shooting sports or activities that are sanctioned by a school district or COE that occur on district property, as well as certified hunter education programs if all firearms are unloaded and participants do not possess live ammunition in a school building.

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<sup>1</sup> Penal Code (“P.C.”) section 626.9 is known as the Gun-Free School Zone Act; AB 424 also amends P.C. sections 26370 and 26405(n) which make reference to section 626.9.



The following exceptions remain unchanged with regard to the rule against possessing a firearm on campus:

- The firearm is possessed by a peace officer.
- The firearm is possessed by an honorably retired peace officer authorized to carry a concealed firearm.
- The firearm is possessed by an authorized security guard.
- The firearm is used at an existing shooting range.
- The firearm is an unloaded handgun capable of being concealed,<sup>2</sup> is in a locked container or within the locked trunk of a motor vehicle.<sup>3</sup>

Some school districts and COEs have adopted specific policies that allow the superintendent, or designee, to grant written permission to a holder of a concealed-carry weapon permit to carry a firearm on campus. Those policies should be amended to reflect the changes in the law.

This bill was passed as non-urgent legislation and goes into effect on January 1, 2018.

Please contact our office with questions regarding this Legal Update or any other legal matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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<sup>2</sup> Minor children (those under the age of 18) may not possess a firearm capable of being concealed. (P.C. §2960)

<sup>3</sup> AB 424 does not affect the Education Code which prohibits possession of a firearm by a pupil without written permission under section 48900(b).