



# SAN LEANDRO UNIFIED SCHOOL DISTRICT

Mike McLaughlin, Ed.D.  
Superintendent

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## Memorandum

To: Parents/Guardians of Students in the San Leandro Unified School District  
From: Superintendent Mike McLaughlin, Ed.D. *mm*

**Subject: California Law Regarding Storage of Firearms**

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The purpose of this memorandum is to inform/remind parents and legal guardians of all students in the San Leandro Unified School District of their responsibilities for safe storage of firearms as required by California law. There have been many news reports of children bringing guns to school. Many times the child has obtained the weapon from his/her home. It is the responsibility of school officials and parents to do everything possible to keep children safe at school. To help everyone understand this responsibility, this memo spells out California law regarding the storage of firearms. Thank you for helping to keep our children safe at school.

Please take some time to review this memo and evaluate your own personal situation to assure that you are in compliance with California law. If you have any questions or concerns, I encourage you to review the California Penal Code references below, and to research safe storage methods for firearms and ammunition.

- California makes someone criminally liable for keeping a loaded firearm where he or she knows or reasonably should know a child (a person under age 18)<sup>1</sup> is likely to gain access, if the child actually gains access to the firearm and carries to a public place or brandishes it, or if someone is injured.<sup>2</sup> The penalty is greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.<sup>3</sup>
- An adult is criminally liable for keeping a loaded or unloaded handgun on his or her premises where he or she knows or reasonably should know a child is likely to gain access to it, if the child does gain access and carries the handgun off the premises.<sup>4</sup>
- An adult is criminally liable for keeping any firearm, loaded or unloaded, on his or her premises where he or she knows or reasonably should know a child is likely to gain access to it, if the child does gain access to it and carries the firearm to any preschool or school grades K-12 or to any

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<sup>1</sup> See Cal. Penal Code § 25000.

<sup>2</sup> Cal. Penal Code § 25100(b). That section references Cal. Penal Code § 417, which prohibits the drawing or exhibiting of a firearm in a rude, angry, or threatening manner, or unlawfully using a firearm in a fight or quarrel.

<sup>3</sup> Cal. Penal Code § 25100(a) (See Cal. Penal Code § 25110: if the firearm causes death, or great bodily injury to someone, the penalty is a maximum of three years in prison and a fine of \$10,000; otherwise the offense is a misdemeanor).

<sup>4</sup> Cal. Penal Code § 25200(a).

school-sponsored event, activity, or performance.<sup>5</sup> If the child in any of these scenarios was likely to gain access only with his or her parent or legal guardian's permission, the person is not guilty.<sup>6</sup> The person is also not guilty if any of the following is true:

- The firearm was kept in a locked container or in a location that a reasonable person would believe to be secure;
  - The firearm was locked with a locking device that rendered the firearm inoperable; or
  - The person had no reasonable expectation, based on objective facts and circumstances, that a child was likely to be present on the premises.<sup>7</sup>
- A parent or guardian is also civilly liable for damages resulting from the discharge of a firearm by that person's child or ward. These damages are capped at \$30,000 per victim, and \$60,000 total.<sup>8</sup>

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<sup>5</sup> Cal. Penal Code § 25200(b).

<sup>6</sup> Cal. Penal Code §§ 25100(a), (b), 25200(a), (b).

<sup>7</sup> Cal. Penal Code §§ 25105, 25205.

<sup>8</sup> Cal. Civil Code § 1714.3.