

CONCEALABLE

FIREARMS CHARGES

IN CALIFORNIA

Fiscal Year 2003

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Bill Lockyer, Attorney General
California Department of Justice
Division of California Justice Information Services
Bureau of Criminal Information and Analysis
CRIMINAL JUSTICE STATISTICS CENTER

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[PC 12025 \(Concealed Firearm\)](#)

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CALIFORNIA DEPARTMENT OF JUSTICE

Bill Lockyer, Attorney General

DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES

Nick Dedier, Director/CIO

BUREAU OF CRIMINAL INFORMATION AND ANALYSIS

Doug Smith, Deputy Director

CRIMINAL JUSTICE STATISTICS CENTER

Jack Scheidegger, Assistant Chief

Steve Galeria, Program Manager

Acknowledgments

- Adele Spears, Analyst
- Laura Towse, Analyst
- Marie Herbert, Analyst
- Penny Miles, Technician
- Debra Callahand, Technician
- Rebecca Bowe, Graphics/Internet
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The role of the **CRIMINAL JUSTICE STATISTICS CENTER** is to:

- Collect, analyze, and report statistical data which provide valid measures of crime and the criminal justice process.
- Examine these data on an ongoing basis to better describe crime and the criminal justice system.
- Promote the responsible presentation and use of crime statistics.

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Prior to January 1, 2000, existing law generally provided that carrying a concealed or loaded firearm was punishable as a misdemeanor and, under certain circumstances, a felony. However, the Legislature determined that carrying a concealed or loaded firearm without being listed with the Department of Justice (DOJ) as the registered owner of the firearm is a serious crime and should be treated as such. Assembly Bill (AB) 491 (Scott, 1999) amended both Penal Code (PC) sections 12025 (carrying a concealed firearm) and 12031 (carrying a loaded firearm) to increase the number of circumstances when an offense could be charged. The following additional circumstances may be charged as either felonies or misdemeanors:

- When a person has both a firearm and unexpended ammunition in their immediate possession and that person is not listed with the DOJ as the registered owner of the firearm (PC 12025).
- When a person carries a loaded firearm on his/her person or in a vehicle on any public street and that person is not listed with the DOJ as the registered owner of the firearm (PC 12031).

AB 491 also amended PC sections 12025 and 12031 to require district attorneys to report specified information to the Attorney General about individuals charged with carrying a concealed or loaded firearm. This information includes the gender, race/ethnic group, and age of any person charged with a felony or misdemeanor under either PC sections 12025 or 12031 and any other offense charged in the same complaint or indictment. In addition, the Attorney General is required to compile these data and submit an annual report to the Legislature.

In response to AB 491, the DOJ developed the *Concealable Weapons Statistical System* to meet the new data collection and reporting requirements. Data collection and reporting began in 2000 after all district attorneys were notified by the DOJ of the reporting requirement. District attorneys submit data in either electronic format, via the *Legal Net*, or in manual format.

This report describes data submitted to the DOJ by district attorneys for the fiscal year (FY) 2003 (July 1, 2002 through June 30, 2003). Trend data will be reported in the fifth (and final) year of this report.

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For PC section 12025 charges in FY 2003:

- 57.5 percent were filed at the felony level and 42.5 percent were filed at the misdemeanor level.
- 95.1 percent of those charged were male.
- 43.5 percent of those charged were Hispanic, followed by blacks (26.4 percent), then whites (24.3 percent).
- The largest percentage of those charged were aged 18-24 (47.7 percent).

For PC section 12031 charges in FY 2003:

- 62.3 percent were filed at the felony level and 37.7 percent were filed at the misdemeanor level.
- 95.7 percent of those charged were male.
- 46.7 percent of those charged were Hispanic, followed by blacks (24.0 percent), then whites (23.6 percent).
- The largest percentage of those charged were aged 18-24 (48.6 percent).

Additional information is provided in the body of this report about those individuals charged under either PC section 12025 or 12031. This information is displayed by the level of charged offense, gender, race/ethnic group, and age of persons charged. Additional charges brought against persons charged with the primary offenses of PC sections 12025 or 12031 are also displayed.

It is important to note that demographic data refer to "individuals," however, some persons may have been arrested and charged with PC sections 12025 or 12031 more than once during the reporting period. Therefore, data presented represent the number of charges reported to the DOJ by district attorneys, not the number of individuals charged.

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