

CONCEALABLE FIREARMS CHARGES IN CALIFORNIA

FISCAL YEAR
2000/2001

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- Analysis of 12025
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Bureau of Criminal Information and Analysis
CRIMINAL JUSTICE STATISTICS CENTER

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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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INTRODUCTION

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 registered with the Department of Justice (DOJ) is a serious crime and should be treated as such. Assembly Bill (AB) 491 (Scott, 1999) amended both PC Sections 12025 (carrying a concealed firearm) and 12031 (carrying a loaded firearm) to increase the number of circumstances when the offense could be charged as a felony. The following additional circumstances make possession of a concealable or loaded firearm punishable as a felony:

- When a person has both the firearm and unexpended ammunition in their immediate possession and the 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 the person is not listed with the DOJ as the registered owner of the firearm (PC 12031).

AB 491 also amended PC 12025 and 12031 to require each district attorney to report specified information to the Attorney General about individuals charged with carrying a concealed or loaded firearm. The specified information is to include the race, ethnicity, age, and gender of any person charged with a felony or misdemeanor under either PC 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.

The first report, as required by AB 491, covered the period of January 1 through June 30, 2000. This report covers Fiscal Year (FY) 2001, July 1, 2000 through June 30, 2001.

METHODOLOGY

The Department of Justice developed the *Concealable Weapons Statistical System* to meet the data collection and reporting requirements of AB 491. Data collection began after all district attorneys were notified of the reporting requirement by the DOJ. District attorneys submit the information in electronic and manual formats.

The data analysis in this report is limited to a descriptive narrative text, tables, and charts. In the fifth year of this report (FY 2003/04), statistical data from multiple years will provide a basis for trend analysis about individuals charged with a felony or a misdemeanor under either PC 12025 or 12031.

INITIAL FINDINGS

The following information describes some of the most salient points about all individuals charged under PC Sections 12025 and 12031 from July 1, 2000 through June 30, 2001:

- 50.4 percent were charged with a felony, and 49.6 percent were charged with a misdemeanor.
- 95.0 percent of those charged were male.
- 70.0 percent were charged with an additional offense(s) in the same complaint or indictment.
- 77.2 percent of the additional offenses were felonies.

More detailed information is provided in the body of this report about the number of individuals charged under either PC Section 12025 or 12031. This information is displayed by the level of the offense, gender, race/ethnic group, age group, and additional charges.

ANALYSIS 