Memorandum 2008-25

Nonsubstantive Reorganization of Deadly Weapon Statutes:
Title 3. Weapons Other Than Firearms

In its nonsubstantive study of the statutes relating to deadly weapons, the Commission is in the process of preparing a tentative recommendation, which will be broadly circulated for comment. The plan is to reorganize the material in Title 2 of Part 4 of the Penal Code (Penal Code §§ 12000-12809) in a user-friendly manner in a new Part 6 of the Penal Code, without making any substantive changes. For an outline of new Part 6, see Memorandum 2008-22.

Attached is a draft of “Title 3. Weapons Other Than Firearms” of new Part 6. Commissioners and interested persons should review the draft and determine whether any revisions are needed before it is incorporated into a tentative recommendation.

Staff Notes (☞ Staff Note) in the attached draft raise matters for Commissioners and interested persons to consider. The staff does not plan to discuss each of these matters at the upcoming meeting. Rather, persons should review the draft, identify any issues of concern, and then raise those issues for discussion at the meeting or express their concerns in writing before the meeting, or both.

Unless otherwise indicated, all statutory references are to the Penal Code.

Respectfully submitted,

Barbara Gaal
Chief Deputy Counsel

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.
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PROPOSED LEGISLATION

Staff Note. This is a work in progress. The material shown below may be changed. For an outline of new Part 6 of the Penal Code, see Memorandum 2008-22.

Staff Notes (Staff Note) in the attached draft raise matters for Commissioners and interested persons to consider. We do not plan to discuss each of these matters at the upcoming meeting. Rather, persons should review the draft, identify any issues of concern, and then raise those issues for discussion at the meeting or express their concerns in writing before the meeting, or both.

Some of the provisions in this draft contain a bracketed cross-reference to one or more existing code sections. As new Part 6 of the Penal Code is drafted, these cross-references will be conformed to the new numbering scheme.

Blanks are used to indicate references to sections that have not yet been drafted (e.g., “Section _____”).

All of the proposed provisions would be located in the Penal Code. All references are to the Penal Code unless otherwise noted.

TITLE 3. WEAPONS OTHER THAN FIREARMS

DIVISION 1. BLOWGUNS

§ 20010. Unlawful acts relating to blowguns or blowgun ammunition

20010. A person who knowingly manufactures, sells, offers for sale, possesses, or uses a blowgun or blowgun ammunition in this state is guilty of a misdemeanor.

Comment. Section 20010 continues former Section 12582 without substantive change.

For circumstances in which this section is inapplicable, see Section 20015 (use of blowgun or blowgun ammunition by veterinarian or animal control professional).

See Sections 16270 (“blowgun”), 16280 (“blowgun ammunition”).

§ 20015. Use of blowgun or blowgun ammunition by veterinarian or animal control professional

20015. Nothing in this division shall prohibit the sale to, purchase by, possession of, or use of a blowgun or blowgun ammunition by zookeepers, animal control officers, Department of Fish and Game personnel, humane officers whose names are maintained in the county record of humane officers pursuant to Section 14502 of the Corporations Code, or veterinarians in the course and scope of their business in order to administer medicine to animals.

Comment. Section 20015 continues former Section 12583 without substantive change.

See Sections 16270 (“blowgun”), 16280 (“blowgun ammunition”).
DIVISION 2. BOOBYTRAP

§ 20110. Boobytrap
20110. (a) Except as provided in Chapter 1 (commencing with Section 18710) of Division 5 of Title 2, a person who assembles, maintains, places, or causes to be placed a boobytrap device is guilty of a felony punishable by imprisonment in the state prison for two, three, or five years.

(b) Possession of a device with the intent to use the device as a boobytrap is punishable by imprisonment in state prison, or in a county jail not exceeding one year, or by a fine not exceeding five thousand dollars ($5,000), or by both that fine and imprisonment.

Comment. Section 20110 continues subdivisions (a) and (b) of former Section 12355 without substantive change.

See Section 16310 (“boobytrap”).

DIVISION 3. KNIVES AND SIMILAR WEAPONS

CHAPTER 1. GENERAL PROVISIONS

§ 20200. Circumstances in which knife is not deemed “concealed”
20200. A knife carried in a sheath that is worn openly suspended from the waist of the wearer is not concealed within the meaning of [Section 12020].

Comment. Section 20200 continues former Section 12020(d) without substantive change.

CHAPTER 2. DISGUISED OR MISLEADING APPEARANCE

Article 1. Air Gauge Knife

§ 20310. Prohibition on manufacture, import, sale, gift, loan, or possession of air gauge knife
20310. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any air gauge knife is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

Comment. With respect to an air gauge knife, Section 20310 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

See Section 16140 (“air gauge knife”). See also Sections 17800 (distinct and separate offense), 20390 (air gauge knife constituting nuisance).
☞ **Staff Note.** Existing Section 12020 is an extremely long provision that generally prohibits the manufacture, import, sale, gift, loan, or possession of a long list of weapons and associated equipment. To improve organizational clarity and readability, the Commission decided to divide up the substance of Section 12020 according to the type of weapon or equipment covered. Minutes (April 2007), p. 10; see also Memorandum 2007-15, pp. 7-9. Consistent with that decision, proposed Section 20310 would continue the portion of existing Section 12020(a)(1) relating to an air gauge knife.

Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some of these exemptions are expressly limited to a particular type of weapon or equipment. None of them expressly refers to an air gauge knife.

Other exemptions to Section 12020 are broad, making it more difficult to determine whether they apply to a particular type of weapon or equipment. For discussion of these broad exemptions and how the Commission plans to handle them in this nonsubstantive study, see the Staff Note to proposed Section 19100 in Memorandum 2008-24. In drafting “Article 1. Air Gauge Knife,” we have left room for future insertion of exemptions in case the Legislature undertakes the cleanup project discussed in that Staff Note.

§ 20390. Air gauge knife constituting nuisance
20390. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, an air gauge knife is a nuisance and is subject to Section 18010.

**Comment.** With respect to an air gauge knife, Section 20390 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 16140 (“air gauge knife”).

☞ **Staff Note.** Existing Section 12029 provides:

12029. Except as provided in Section 12020, blackjacks, slungshots, billies, nunchakus, sandclubs, sandbags, shurikens, metal knuckles, short-barreled shotguns or short-barreled rifles as defined in Section 12020, and any other item which is listed in subdivision (a) of Section 12020 and is not listed in subdivision (a) of Section 12028 are nuisances, and the Attorney General, district attorney, or city attorney may bring an action to enjoin the manufacture of, importation of, keeping for sale of, offering or exposing for sale, giving, lending, or possession of, any of the foregoing items. These weapons shall be subject to confiscation and summary destruction whenever found within the state. These weapons shall be destroyed in the same manner as other weapons described in Section 12028, except that upon the certification of a judge or of the district attorney that the ends of justice will be subserved thereby, the weapon shall be preserved until the necessity for its use ceases.

(Emphasis added.) To improve organizational clarity, the Commission decided to divide up the material in this provision according to the type of weapon or equipment covered, with generally applicable language to be placed in the title on “Weapons Generally.” Minutes (April 2007), p. 10.

Implementing that decision required assessment of which weapons and equipment fall within the catchall provision of Section 12029 — i.e., which weapons and equipment are listed in Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff determined that the catchall provision encompasses an air gauge knife. See Memorandum 2007-19, pp. 9-10.

Thus, proposed Section 20390 would continue the first part of the first sentence of existing Section 12029, as it pertains to an air gauge knife. The generally applicable language in existing Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using the code, proposed Section 20390 would cross-ref to proposed Section 18010.
Article 2. Belt Buckle Knife

§ 20410. Prohibition on manufacture, import, sale, gift, loan, or possession of belt buckle knife

20410. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any belt buckle knife is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

Comment. With respect to a belt buckle knife, Section 20410 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

See Section 16260 (“belt buckle knife”). See also Sections 17800 (distinct and separate offense), 20490 (belt buckle knife constituting nuisance).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20310, the Commission has decided to divide up the substance of existing Section 12020 according to the type of weapon or equipment covered. Consistent with that decision, proposed Section 20410 would continue the portion of existing Section 12020(a)(1) relating to a belt buckle knife.

Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some of these exemptions are expressly limited to a particular type of weapon or equipment. None of them expressly refers to a belt buckle knife.

Other exemptions to Section 12020 are broad, making it more difficult to determine whether they apply to a particular type of weapon or equipment. For discussion of these broad exemptions and how the Commission plans to handle them in this nonsubstantive study, see the Staff Note to proposed Section 19100 in Memorandum 2008-24. In drafting “Article 2. Belt Buckle Knife,” we have left room for future insertion of exemptions in case the Legislature undertakes the cleanup project discussed in that Staff Note.

§ 20490. Belt buckle knife constituting nuisance

20490. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, a belt buckle knife is a nuisance and is subject to Section 18010.

Comment. With respect to a belt buckle knife, Section 20490 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 16260 (“belt buckle knife”).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20390, the Commission has decided to divide up the material in existing Section 12029 according to the type of weapon or equipment covered, with generally applicable language to be placed in the title on “Weapons Generally.” Implementing that decision required assessment of which weapons and equipment fall within the catchall provision of Section 12029 — i.e., which weapons and equipment are listed in Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff determined that the catchall provision encompasses a belt buckle knife. See Memorandum 2007-19, pp. 9-10.

Thus, proposed Section 20490 would continue the first part of the first sentence of existing Section 12029, as it pertains to a belt buckle knife. The generally applicable language in existing Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using the code, proposed Section 20490 would cross-refer to proposed Section 18010.
Article 3. Cane Sword

§ 20510. Prohibition on manufacture, import, sale, gift, loan, or possession of cane sword

20510. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane sword is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

Comment. With respect to a cane sword, Section 20510 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

See Section 16340 (“cane sword”). See also Sections 17800 (distinct and separate offense), 20590 (cane sword constituting nuisance).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20310, the Commission has decided to divide up the substance of existing Section 12020 according to the type of weapon or equipment covered. Consistent with that decision, proposed Section 20510 would continue the portion of existing Section 12020(a)(1) relating to a cane sword.

Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some of these exemptions are expressly limited to a particular type of weapon or equipment. None of them expressly refers to a cane sword.

Other exemptions to Section 12020 are broad, making it more difficult to determine whether they apply to a particular type of weapon or equipment. For discussion of these broad exemptions and how the Commission plans to handle them in this nonsubstantive study, see the Staff Note to proposed Section 19100 in Memorandum 2008-24. In drafting “Article 3. Cane Sword,” we have left room for future insertion of exemptions in case the Legislature undertakes the cleanup project discussed in that Staff Note.

§ 20590. Cane sword constituting nuisance

20590. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, a cane sword is a nuisance and is subject to Section 18010.

Comment. With respect to a cane sword, Section 20590 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 16340 (“cane sword”).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20390, the Commission has decided to divide up the material in existing Section 12029 according to the type of weapon or equipment covered, with generally applicable language to be placed in the title on “Weapons Generally.” Implementing that decision required assessment of which weapons and equipment fall within the catchall provision of Section 12029 — i.e., which weapons and equipment are listed in Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff determined that the catchall provision encompasses a cane sword. See Memorandum 2007-19, pp. 9-10.

Thus, proposed Section 20590 would continue the first part of the first sentence of existing Section 12029, as it pertains to a cane sword. The generally applicable language in existing Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using the code, proposed Section 20590 would cross-refer to proposed Section 18010.
Article 4. Lipstick Case Knife

§ 20610. Prohibition on manufacture, import, sale, gift, loan, or possession of lipstick case knife

20610. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any lipstick case knife is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

Comment. With respect to a lipstick case knife, Section 20610 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

See Section 16830 (“lipstick case knife”). See also Sections 17800 (distinct and separate offense), 20690 (lipstick case knife constituting nuisance).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20310, the Commission has decided to divide up the substance of existing Section 12020 according to the type of weapon or equipment covered. Consistent with that decision, proposed Section 20610 would continue the portion of existing Section 12020(a)(1) relating to a lipstick case knife.

Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some of these exemptions are expressly limited to a particular type of weapon or equipment. None of them expressly refers to a lipstick case knife.

Other exemptions to Section 12020 are broad, making it more difficult to determine whether they apply to a particular type of weapon or equipment. For discussion of these broad exemptions and how the Commission plans to handle them in this nonsubstantive study, see the Staff Note to proposed Section 19100 in Memorandum 2008-24. In drafting “Article 4. Lipstick Case Knife,” we have left room for future insertion of exemptions in case the Legislature undertakes the cleanup project discussed in that Staff Note.

§ 20690. Lipstick case knife constituting nuisance

20690. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, a lipstick case knife is a nuisance and is subject to Section 18010.

Comment. With respect to a lipstick case knife, Section 20690 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 16830 (“lipstick case knife”).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20390, the Commission has decided to divide up the material in existing Section 12029 according to the type of weapon or equipment covered, with generally applicable language to be placed in the title on “Weapons Generally.” Implementing that decision required assessment of which weapons and equipment fall within the catchall provision of Section 12029 — i.e., which weapons and equipment are listed in Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff determined that the catchall provision encompasses a lipstick case knife. See Memorandum 2007-19, pp. 9-10.

Thus, proposed Section 20690 would continue the first part of the first sentence of existing Section 12029, as it pertains to a lipstick case knife. The generally applicable language in existing Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using the code, proposed Section 20690 would cross-refer to proposed Section 18010.
Article 5. Shobi-zue

§ 20710. Prohibition on manufacture, import, sale, gift, loan, or possession of shobi-zue

20710. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any shobi-zue is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

Comment. With respect to a shobi-zue, Section 20710 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

See Section 17160 (“shobi-zue”). See also Sections 17800 (distinct and separate offense), 20790 (shobi-zue constituting nuisance).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20310, the Commission has decided to divide up the substance of existing Section 12020 according to the type of weapon or equipment covered. Consistent with that decision, proposed Section 20710 would continue the portion of existing Section 12020(a)(1) relating to a shobi-zue.

Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some of these exemptions are expressly limited to a particular type of weapon or equipment. None of them expressly refers to a shobi-zue.

Other exemptions to Section 12020 are broad, making it more difficult to determine whether they apply to a particular type of weapon or equipment. For discussion of these broad exemptions and how the Commission plans to handle them in this nonsubstantive study, see the Staff Note to proposed Section 19100 in Memorandum 2008-24. In drafting “Article 5. Shobi-zue,” we have left room for future insertion of exemptions in case the Legislature undertakes the cleanup project discussed in that Staff Note.

§ 20790. Shobi-zue constituting nuisance

20790. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, a shobi-zue is a nuisance and is subject to Section 18010.

Comment. With respect to a shobi-zue, Section 20790 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 17160 (“shobi-zue”).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20390, the Commission has decided to divide up the material in existing Section 12029 according to the type of weapon or equipment covered, with generally applicable language to be placed in the title on “Weapons Generally.” Implementing that decision required assessment of which weapons and equipment fall within the catchall provision of Section 12029 — i.e., which weapons and equipment are listed in Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff determined that the catchall provision encompasses a shobi-zue. See Memorandum 2007-19, pp. 9-10.

Thus, proposed Section 20790 would continue the first part of the first sentence of existing Section 12029, as it pertains to a shobi-zue. The generally applicable language in existing Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using the code, proposed Section 20790 would cross-refer to proposed Section 18010.
Article 6. Undetectable Knife

§ 20810. Restrictions relating to undetectable knife

20810. (a) Any person in this state who commercially manufactures or causes to be commercially manufactured, or who knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any undetectable knife is guilty of a misdemeanor.

(b) Notwithstanding any other provision of law, commencing January 1, 2000, all knives or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death that are commercially manufactured in this state that utilize materials that are not detectable by a metal detector or magnetometer, shall be manufactured to include materials that will ensure they are detectable by a metal detector or magnetometer, either handheld or otherwise, that is set at standard calibration.

Comment. Subdivision (a) of Section 20810 continues the first sentence of former Section 12001.1(a) without change.

Subdivision (b) continues former Section 12001.1(b) without change.

For circumstances in which this section is inapplicable, see Sections 20815 (undetectable knife for law enforcement or military entity), 20820 (undetectable knife for historical society, museum, or institutional collection open to public).

See Section 17290 (“undetectable knife”).

Staff Note. Existing Section 12001.1(b) would be continued without change in proposed Section 20810(b), even though the provision is poorly worded. The staff considered means of improving the wording, such as the following:

20810. Notwithstanding any other provision of law, commencing January 1, 2000, any knife or other instrument, with or without a handguard, which is capable of ready use as a stabbing weapon that may inflict great bodily injury or death, and is commercially manufactured in this state utilizing materials that are not detectable by a metal detector or magnetometer, shall be manufactured to include materials that will ensure it is detectable by a metal detector or magnetometer, either handheld or otherwise, which is set at standard calibration.

It occurred to us, however, that perhaps the above provision could be simplified as follows:

20810. Notwithstanding any other provision of law, commencing January 1, 2000, any knife or other instrument, with or without a handguard, which is capable of ready use as a stabbing weapon that may inflict great bodily injury or death, and is commercially manufactured in this state utilizing materials that are not detectable by a metal detector or magnetometer, shall be manufactured to include materials that will ensure it is detectable by a metal detector or magnetometer, either handheld or otherwise, which is set at standard calibration.

This change seems too drastic to make in this nonsubstantive study, even though we do not think it would have any substantive effect. Consequently, we reluctantly decided to leave the wording of existing Section 12001.1(b) alone for now. Unless the Commission otherwise directs, we will add this issue to the list of minor clean-up issues that the Commission plans to include in its report to the Governor and the Legislature. See Memorandum 2008-27.
§ 20815. Undetectable knife for law enforcement or military entity

20815. Section 20810 does not apply to the manufacture or importation of an undetectable knife for sale to a law enforcement or military entity, nor does Section 20810 apply to the subsequent sale of an undetectable knife to a law enforcement or military entity.

Comment. Section 20815 continues former Section 12001.1(c) without substantive change. See Section 17290 (“undetectable knife”).

§ 20820. Undetectable knife for historical society, museum, or institutional collection open to public

20820. Section 20810 does not apply to the manufacture or importation of an undetectable knife for sale to a federal, state, or local historical society, museum, or institutional collection that is open to the public, provided that the undetectable knife is properly housed and secured from unauthorized handling, nor does Section 20810 apply to the subsequent sale of the knife to any of these entities.

Comment. Section 20820 continues former Section 12001.1(d) without substantive change. See Section 17290 (“undetectable knife”).

Article 7. Writing Pen Knife

§ 20910. Prohibition on manufacture, import, sale, gift, loan, or possession of writing pen knife

20910. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any writing pen knife is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

Comment. With respect to a writing pen knife, Section 20910 continues former Section 12020(a)(1) without substantive change. For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons). See Section 17350 (“writing pen knife”). See also Sections 17800 (distinct and separate offense), 20990 (writing pen knife constituting nuisance).

Staff Note. As discussed in the Staff Note on proposed Section 20310, the Commission has decided to divide up the substance of existing Section 12020 according to the type of weapon or equipment covered. Consistent with that decision, proposed Section 20910 would continue the portion of existing Section 12020(a)(1) relating to a writing pen knife.

Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some of these exemptions are expressly limited to a particular type of weapon or equipment. None of them expressly refers to a writing pen knife.

Other exemptions to Section 12020 are broad, making it more difficult to determine whether they apply to a particular type of weapon or equipment. For discussion of these broad exemptions and how the Commission plans to handle them in this nonsubstantive study, see the Staff Note to proposed Section 19100 in Memorandum 2008-24. In drafting “Article 7. Writing Pen Knife,” we have left room for future insertion of exemptions in case the Legislature undertakes the cleanup project discussed in that Staff Note.
§ 20990. Writing pen knife constituting nuisance

20990. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, a writing pen knife is a nuisance and is subject to Section 18010.

Comment. With respect to a writing pen knife, Section 20990 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 17350 (“writing pen knife”).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20390, the Commission has decided to divide up the material in existing Section 12029 according to the type of weapon or equipment covered, with generally applicable language to be placed in the title on “Weapons Generally.” Implementing that decision required assessment of which weapons and equipment fall within the catchall provision of Section 12029 — i.e., which weapons and equipment are listed in Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff determined that the catchall provision encompasses a writing pen knife. See Memorandum 2007-19, pp. 9-10.

Thus, proposed Section 20990 would continue the first part of the first sentence of existing Section 12029, as it pertains to a writing pen knife. The generally applicable language in existing Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using the code, proposed Section 20990 would cross-refer to proposed Section 18010.

CHAPTER 3. BALLISTIC KNIFE

§ 21110. Prohibition on manufacture, import, sale, gift, loan, or possession of ballistic knife

21110. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any ballistic knife is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

Comment. With respect to a ballistic knife, Section 21110 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

See Section 16220 (“ballistic knife”). See also Sections 17800 (distinct and separate offense), 21190 (ballistic knife constituting nuisance).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20310, the Commission has decided to divide up the substance of existing Section 12020 according to the type of weapon or equipment covered. Consistent with that decision, proposed Section 21110 would continue the portion of existing Section 12020(a)(1) relating to a ballistic knife.

Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some of these exemptions are expressly limited to a particular type of weapon or equipment. None of them expressly refers to a ballistic knife.

Other exemptions to Section 12020 are broad, making it more difficult to determine whether they apply to a particular type of weapon or equipment. For discussion of these broad exemptions and how the Commission plans to handle them in this nonsubstantive study, see the Staff Note to proposed Section 19100 in Memorandum 2008-24. In drafting “Chapter 3. Ballistic Knife,” we have left room for future insertion of exemptions in case the Legislature undertakes the cleanup project discussed in that Staff Note.
§ 21190. Ballistic knife constituting nuisance

21190. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, a ballistic knife is a nuisance and is subject to Section 18010.

Comment. With respect to a ballistic knife, Section 21190 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 16220 (“ballistic knife”).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20390, the Commission has decided to divide up the material in existing Section 12029 according to the type of weapon or equipment covered, with generally applicable language to be placed in the title on “Weapons Generally.” Implementing that decision required assessment of which weapons and equipment fall within the catchall provision of Section 12029 — i.e., which weapons and equipment are listed in Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff determined that the catchall provision encompasses a ballistic knife. See Memorandum 2007-19, pp. 9-10.

Thus, proposed Section 21190 would continue the first part of the first sentence of existing Section 12029, as it pertains to a ballistic knife. The generally applicable language in existing Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using the code, proposed Section 21190 would cross-reference to proposed Section 18010.

CHAPTER 4. DAGGER OR DIRK

§ 21310. Carrying concealed dagger or dirk

21310. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who carries concealed upon the person any dagger or dirk is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

Comment. Section 21310 continues former Section 12020(a)(4) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons), 20200 (circumstances in which knife is not deemed “concealed”).

See Section 16420 (“dagger” or “dirk”). See also Sections 17800 (distinct and separate offense), 21390 (concealed dagger or dirk constituting nuisance).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20310, the Commission has decided to divide up the substance of existing Section 12020 according to the type of weapon or equipment covered. Consistent with that decision, proposed Section 21310 would continue existing Section 12020(a)(4), which relates to a concealed dagger or dirk.

Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some of these exemptions are expressly limited to a particular type of weapon or equipment. None of them expressly refers to a dagger or dirk.

Other exemptions to Section 12020 are broad, making it more difficult to determine whether they apply to a particular type of weapon or equipment. For discussion of these broad exemptions and how the Commission plans to handle them in this nonsubstantive study, see the Staff Note to proposed Section 19100 in Memorandum 2008-24. In drafting “Chapter 4. Dagger or Dirk,” we have left room for future insertion of exemptions in case the Legislature undertakes the cleanup project discussed in that Staff Note.
§ 21390. Concealed dagger or dirk constituting nuisance

21390. The unlawful concealed carrying upon the person of any dagger or dirk, as provided in Section 21310, is a nuisance and is subject to Sections 18000 and 18005.

Comment. With respect to a dagger or dirk, Section 21390 continues former Section 12028(a) without substantive change.

See Section 16420 ("dagger" or "dirk").

☞ Staff Note. Subdivision (a) of existing Section 12028 provides:

12028. (a) The unlawful concealed carrying upon the person of any explosive substance, other than fixed ammunition, dirk, or dagger, as provided in Section 12020, the unlawful carrying of any handguns in violation of Section 12025, and the unlawful possession or carrying of any item in violation of Section 653k is a nuisance.

(Emphasis added.) The remainder of Section 12028 states that firearms constitute a nuisance in certain circumstances, and specifies procedures for surrender and disposal of weapons that constitute a nuisance under the section.

To improve organizational clarity, the Commission decided to divide up the substance of Section 12028 according to the type of weapon or equipment covered. The language specifying procedures for surrender and disposal of weapons was to be placed in the title on “Weapons Generally.” Minutes (April 2007), p. 10; see also Memorandum 2007-15, p. 10.

Consistent with that decision, proposed Section 21390 would continue the portion of existing Section 12028(a) relating to the unlawful concealed carrying upon the person of any dagger or dirk. Proposed Sections 18000-18005 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”) would continue the provisions specifying procedures for surrender and disposal of such weapons. To assist persons using the code, proposed Section 21390 would cross-refer to proposed Sections 18000-18005.

CHAPTER 5. SWITCHBLADE KNIFE

§ 21510. Restrictions relating to switchblade knife

21510. A person who does any of the following with a switchblade knife having a blade two or more inches in length is guilty of a misdemeanor:

(a) Possesses the knife in the passenger’s or driver’s area of any motor vehicle in any public place or place open to the public.

(b) Carries the knife upon the person.

(c) Sells, offers for sale, exposes for sale, loans, transfers, or gives the knife to any other person.

Comment. Section 21510 continues the first paragraph of former Section 653k without substantive change.

See Sections 16965 (“passenger’s or driver’s area”), 17235 (“switchblade knife”).

§ 21590. Switchblade knife constituting nuisance

21590. The unlawful possession or carrying of any switchblade knife, as provided in Section 21510, is a nuisance and is subject to Sections 18000 and 18005.
Comment. With respect to a switchblade knife, Section 21590 continues former Section 12028(a) without substantive change. See Section 17235 (“switchblade knife”).

☞ Staff Note. As discussed in the Staff Note on proposed Section 21390, the Commission has decided to divide up the substance of Section 12028 according to the type of weapon or equipment covered. Consistent with that decision, proposed Section 21590 would continue the portion of existing Section 12028(a) relating to the unlawful possession or carrying of any switchblade knife. Proposed Sections 18000-18005 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”) would continue the provisions specifying procedures for surrender and disposal of such weapons. To assist persons using the code, proposed Section 21590 would cross-refer to proposed Sections 18000-18005.

DIVISION 4. KNUCKLES

CHAPTER 1. HARD PLASTIC KNUCKLES

§ 21710. Restrictions relating to hard plastic knuckles

21710. A person in this state who commercially manufactures or causes to be commercially manufactured, or who knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any hard plastic knuckles is guilty of a misdemeanor.

Comment. Section 21710 continues the first sentence of former Section 12020.1 without substantive change. See Section 16680 (“hard plastic knuckles”).

CHAPTER 2. METAL KNUCKLES

§ 21810. Prohibition on manufacture, import, sale, gift, loan, or possession of metal knuckles

21810. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any metal knuckles is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

Comment. With respect to metal knuckles, Section 21810 continues former Section 12020(a)(1) without substantive change. For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 ( exemptions relating to generally prohibited weapons). See Section 16920 (“metal knuckles”). See also Sections 17800 (distinct and separate offense), 21890 (metal knuckles constituting nuisance).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20310, the Commission has decided to divide up the substance of existing Section 12020 according to the type of weapon or equipment covered. Consistent with that decision, proposed Section 21810 would continue the portion of existing Section 12020(a)(1) relating to metal knuckles.
Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some of these exemptions are expressly limited to a particular type of weapon or equipment. None of them expressly refers to metal knuckles.

Other exemptions to Section 12020 are broad, making it more difficult to determine whether they apply to a particular type of weapon or equipment. For discussion of these broad exemptions and how the Commission plans to handle them in this nonsubstantive study, see the Staff Note to proposed Section 19100 in Memorandum 2008-24. In drafting “Chapter 2. Metal Knuckles,” we have left room for future insertion of exemptions in case the Legislature undertakes the cleanup project discussed in that Staff Note.

§ 21890. Metal knuckles constituting nuisance

21890. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, metal knuckles are a nuisance and are subject to Section 18010.

Comment. With respect to metal knuckles, Section 21890 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 16920 (“metal knuckles”).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20390, the Commission has decided to divide up the material in existing Section 12029 according to the type of weapon or equipment covered, with generally applicable language to be placed in the title on “Weapons Generally.” Consistent with that decision, proposed Section 21890 would continue the first part of the first sentence of existing Section 12029, as it pertains to metal knuckles. The generally applicable language in existing Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using the code, proposed Section 21890 would cross-refer to proposed Section 18010.

DIVISION 5. NUNCHAKU

§ 22010. Prohibition on manufacture, import, sale, gift, loan, or possession of nunchaku

22010. Subject to Section 22015 and Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any nunchaku is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

Comment. With respect to a nunchaku, Section 22010 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons), 22015 (nunchaku for school teaching arts of self-defense).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20310, the Commission has decided to divide up the substance of existing Section 12020 according to the type of weapon or equipment covered. Consistent with that decision, proposed Section 22010 would continue the portion of existing Section 12020(a)(1) relating to a nunchaku.

Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some of these exemptions are expressly limited to a particular type of weapon or equipment. For
example, paragraphs (b)(3) and (b)(4) of existing Section 12020 create exemptions that expressly apply to a nunchaku in certain circumstances. Proposed Section 22015 (referenced in proposed Section 22010) would continue those provisions.

Other exemptions to Section 12020 are broad, making it more difficult to determine whether they apply to a particular type of weapon or equipment. For discussion of these broad exemptions and how the Commission plans to handle them in this nonsubstantive study, see the Staff Note to proposed Section 19100 in Memorandum 2008-24. In drafting “Division 5. Nunchaku,” we have left room for future insertion of exemptions in case the Legislature undertakes the cleanup project discussed in that Staff Note.

§ 22015. Nunchaku for school teaching arts of self-defense

22015. Section 22010 does not apply to either of the following:
(a) The possession of a nunchaku on the premises of a school that holds a regulatory or business license and teaches the arts of self-defense.
(b) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a school that holds a regulatory or business license and teaches the arts of self-defense.

Comment. Subdivision (a) of Section 22015 continues former Section 12020(b)(3) without substantive change.
Subdivision (b) continues former Section 12020(b)(4) without substantive change.
For additional circumstances in which Section 16910 is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).
See Section 16940 (“nunchaku”).

§ 22090. Nunchaku constituting nuisance

22090. Except as provided in Section 22015 and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, a nunchaku is a nuisance and is subject to Section 18010.

Comment. With respect to a nunchaku, Section 22090 continues the first part of the first sentence of former Section 12029 without substantive change.
See Section 16940 (“nunchaku”).

Staff Note. As discussed in the Staff Note on proposed Section 20390, the Commission has decided to divide up the material in existing Section 12029 according to the type of weapon or equipment covered, with generally applicable language to be placed in the title on “Weapons Generally.” Consistent with that decision, proposed Section 22090 would continue the first part of the first sentence of existing Section 12029, as it pertains to a nunchaku. The generally applicable language in existing Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using the code, proposed Section 22090 would cross-refer to proposed Section 18010.
DIVISION 6. SAPS AND SIMILAR WEAPONS

§ 22210. Prohibition on manufacture, import, sale, gift, loan, or possession of leaded cane, blackjack, slungshot, billy, sandclub, sap, or sandbag

22210. Subject to Section 22215 and Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any leaded cane, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag, is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

Comment. With respect to a leaded cane or “any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag,” Section 22210 continues former Section 12020(a)(1) without substantive change. For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons). See Section 16760 (“leaded cane”). See also Sections 17800 (distinct and separate offense), 22290 (leaded cane, blackjack, slungshot, billy, sandclub, sap, or sandbag constituting nuisance).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20310, the Commission has decided to divide up the substance of existing Section 12020 according to the type of weapon or equipment covered. Consistent with that decision, proposed Section 22210 would continue the portions of existing Section 12020(a)(1) relating to a leaded cane and “any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag.”

Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some of these exemptions are expressly limited to a particular type of weapon or equipment. None of them expressly refers to a leaded cane or to “any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag.” There is, however, an exemption relating to a “wooden club or baton” under certain circumstances (Section 12020(b)(14)). Proposed Section 22215 would continue that provision.

Other exemptions to Section 12020 are broad, making it more difficult to determine whether they apply to a particular type of weapon or equipment. For discussion of these broad exemptions and how the Commission plans to handle them in this nonsubstantive study, see the Staff Note to proposed Section 19100 in Memorandum 2008-24. In drafting “Division 6. Saps and Similar Weapons,” we have left room for future insertion of exemptions in case the Legislature undertakes the cleanup project discussed in that Staff Note.

§ 22215. Exemption relating to wooden clubs or batons for special police officers or uniformed security guards

22215. Section 22210 does not apply to the manufacture for, sale to, exposing or keeping for sale to, importation of, or lending of wooden clubs or batons to special police officers or uniformed security guards authorized to carry any wooden club or baton pursuant to Section 22295 by entities that are in the business of selling wooden clubs or batons to special police officers and uniformed security guards when engaging in transactions with those persons.

Comment. Section 22215 continues former Section 12020(b)(14) without substantive change.
For additional circumstances in which Section 22210 is inapplicable, see Sections 16590 ("generally prohibited weapon"), 17700-17745 (exemptions relating to generally prohibited weapons).

**Staff Notes.**

(1) Existing Section 12020(b)(14) is drafted in plural form. In drafting proposed Section 22215, we considered using singular form instead, which is the Commission’s general practice. That proved difficult to do in a manner we were confident would create no risk of a substantive change. Among other things, we were concerned about whether a special police officer or security guard typically purchases his or her own baton, as opposed to a bulk sale of batons to an employer of special police officers or security guards.

To avoid any risk of a substantive change, proposed Section 22215 tracks the existing language in Section 12020(b)(14). We think it would be more clear and readable, however, if it was drafted in singular form. Unless the Commission otherwise directs, we will add this issue to the list of minor clean-up issues that the Commission plans to include in its report to the Governor and the Legislature. See Memorandum 2008-27.

(2) Existing Section 12020(b)(14) refers to “wooden clubs or batons,” not to any item specifically mentioned in existing Section 12020(a), such as a “billy” or “sap.” Because the terminology differs, we considered placing the substance of former Section 12020(b)(14) with the broad exemptions in “Chapter 1. Exemptions” of “Division 2. Generally Prohibited Weapons” of “Title 2. Weapons Generally.”

We noted, however, that

- The exemption provided by Section 12020(b)(14) only applies to “wooden clubs or batons;”
- Such items appear to be a subset of the items covered in proposed Section 22210 (“any leaded cane, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag”); and
- Section 12020(b)(14)’s exemption for “wooden clubs or batons” in specified circumstances does not seem to excuse compliance with Section 12020(a)’s restrictions on any item not covered by proposed Section 22210.

For these reasons, we think the exemption should be placed here, in “Division 6. Saps and Similar Weapons.” We invite comment on this conclusion, which is consistent with the outline of new Part 6 previously approved by the Commission.

For discussion of what constitutes an “instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag,” see Memorandum 2007-19, pp. 3-5.

**§ 22290. Leaded cane, blackjack, slungshot, billy, sandclub, sap, or sandbag constituting nuisance**

22290. Except as provided in Section 22210 and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, a leaded cane or any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag is a nuisance and is subject to Section 18010.

**Comment.** With respect to a leaded cane or “any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag,” Section 22290 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 16760 (“leaded cane”).

**Staff Note.** As discussed in the Staff Note on proposed Section 20390, the Commission has decided to divide up the material in existing Section 12029 according to the type of weapon or equipment covered, with generally applicable language to be placed in the title on “Weapons
Generally.” Implementing that decision required assessment of which weapons and equipment fall within the catchall provision of Section 12029 — i.e., which weapons and equipment are listed in Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff determined that among other things, the catchall provision encompasses a leaded cane and a sap. See Memorandum 2007-19, pp. 9-10. The other types of weapons mentioned in proposed Section 22290 — a blackjack, slungshot, billy, sandclub, or sandbag — are expressly mentioned in existing Section 12029.

Thus, proposed Section 22290 would continue the first part of the first sentence of existing Section 12029, as it pertains to a leaded cane or “any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag.” The generally applicable language in existing Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using the code, proposed Section 22290 would cross-refer to proposed Section 18010.

§ 22295. Wooden club or baton for law enforcement purposes

§ 22295. (a) Nothing in [this chapter] prohibits a police officer, special police officer, peace officer, or law enforcement officer from carrying any wooden club or baton.

(b) Nothing in [this chapter] prohibits a uniformed security guard, regularly employed and compensated by a person engaged in any lawful business, while actually employed and engaged in protecting and preserving property or life within the scope of employment, from carrying any wooden club or baton if the uniformed security guard has satisfactorily completed a course of instruction certified by the Department of Consumer Affairs in the carrying and use of the club or baton. The training institution certified by the Department of Consumer Affairs to present this course, whether public or private, is authorized to charge a fee covering the cost of the training.

(c) The Department of Consumer Affairs, in cooperation with the Commission on Peace Officer Standards and Training, shall develop standards for a course in the carrying and use of a club or baton.

(d) Any uniformed security guard who successfully completes a course of instruction under this section is entitled to receive a permit to carry and use a club or baton within the scope of employment, issued by the Department of Consumer Affairs. The department may authorize a certified training institution to issue permits to carry and use a club or baton. A fee in the amount provided by law shall be charged by the Department of Consumer Affairs to offset the costs incurred by the department in course certification, quality control activities associated with the course, and issuance of the permit.

(e) Any person who has received a permit or certificate that indicates satisfactory completion of a club or baton training course approved by the Commission on Peace Officer Standards and Training prior to January 1, 1983, shall not be required to obtain a club or baton permit or complete a course certified by the Department of Consumer Affairs.

(f) Any person employed as a county sheriff’s or police security officer, as defined in Section 831.4, shall not be required to obtain a club or baton permit or
to complete a course certified by the Department of Consumer Affairs in the
carrying and use of a club or baton, provided that the person completes a course
approved by the Commission on Peace Officer Standards and Training in the
carrying and use of the club or baton, within 90 days of employment.

(g) Nothing in [this chapter] prohibits an animal control officer, as described in
Section 830.9, from carrying any wooden club or baton if the animal control
officer has satisfactorily completed a course of instruction certified by the
Department of Consumer Affairs in the carrying and use of the club or baton. The
training institution certified by the Department of Consumer Affairs to present this
course, whether public or private, is authorized to charge a fee covering the cost of
the training.

Comment. With respect to a wooden club or baton, subdivision (a) of Section 22295 continues
former Section 12002(a) without substantive change. The remainder of former Section 12002(a)
is continued in Section 17515 without substantive change.

Subdivisions (b)-(g) continue former Section 12002(b)-(g) without substantive change.

☞ Staff Notes.

(1) Subdivision (a) of existing Section 12002(a) says: “Nothing in this chapter prohibits ....”
(Emphasis added.) Similar statements appear in subdivisions (b) and (g). The chapter referenced
in these provisions is “Chapter 1. Firearms” of “Title 2. Control of Deadly Weapons” of “Part 4.
Prevention of Criminals.” That chapter contains numerous provisions: Penal Code Sections
12000-12101. It will be extensively reorganized in the Commission’s nonsubstantive study.

In drafting proposed Section 22295, we have bracketed the references to “this chapter,” instead
of trying to conform them to the Commission’s new numbering scheme, which is not yet
complete. When we replace those bracketed references later in this study, we will need to be
particularly careful to ensure that the substance of Section 12002 is properly preserved.

(2) Existing Section 12002(a) says: “Nothing in this chapter prohibits police officers, special
police officers, peace officers, or law enforcement officers from carrying any wooden club, baton,
or any equipment authorized for the enforcement of law or ordinance in any city or county.”
(Emphasis added.) The italicized clause is broad and should not be buried in a division entitled
“Saps and Similar Weapons.”

We suggest putting it in “Division 1. Miscellaneous Rules Relating to Weapons Generally” of
“Title 2. Weapons Generally.” That could be done as follows:

17515. Officer carrying equipment authorized for enforcement of law or ordinance

17515. Nothing in [this chapter] prohibits a police officer, special police officer, peace
officer, or law enforcement officer from carrying any equipment authorized for the
enforcement of law or ordinance in any city or county.

Comment. With respect to “any equipment authorized for the enforcement of law or
ordinance in any city or county,” Section 17515 continues former Section 12002(a) without
substantive change. The remainder of former Section 12002(a) is continued in Section
22295(a) without substantive change.

Unless the Commission otherwise directs, we will include this provision in the next draft of
“Division 1. Miscellaneous Rules Relating to Weapons Generally” of “Title 2. Weapons
Generally.” Consistent with that approach, proposed Section 22295(a) would only refer to a
“wooden club or baton.” It would omit the broad phrase “any equipment authorized for the
enforcement of law or ordinance in any city or county.”
DIVISION 7. SHURIKEN

§ 22410. Prohibition on manufacture, import, sale, gift, loan, or possession of shuriken

22410. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any shuriken is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

Comment. With respect to a shuriken, Section 22410 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

See Section 17200 (“shuriken”). See also Sections 17800 (distinct and separate offense), 22490 (shuriken constituting nuisance).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20310, the Commission has decided to divide up the substance of existing Section 12020 according to the type of weapon or equipment covered. Consistent with that decision, proposed Section 22410 would continue the portion of existing Section 12020(a)(1) relating to a shuriken.

Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some of these exemptions are expressly limited to a particular type of weapon or equipment. None of them expressly refers to a shuriken.

Other exemptions to Section 12020 are broad, making it more difficult to determine whether they apply to a particular type of weapon or equipment. For discussion of these broad exemptions and how the Commission plans to handle them in this nonsubstantive study, see the Staff Note to proposed Section 19100 in Memorandum 2008-24. In drafting “Division 7. Shuriken,” we have left room for future insertion of exemptions in case the Legislature undertakes the cleanup project discussed in that Staff Note.

§ 22490. Shuriken constituting nuisance

22490. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, a shuriken is a nuisance and is subject to Section 18010.

Comment. With respect to a shuriken, Section 22490 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 17200 (“shuriken”).

☞ Staff Note. As discussed in the Staff Note on proposed Section 20390, the Commission has decided to divide up the material in existing Section 12029 according to the type of weapon or equipment covered, with generally applicable language to be placed in the title on “Weapons Generally.” Consistent with that decision, proposed Section 22490 would continue the first part of the first sentence of existing Section 12029, as it pertains to a shuriken. The generally applicable language in existing Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using the code, proposed Section 22490 would cross-refer to proposed Section 18010.

DIVISION 8. STUN GUN

☞ Staff Note. A bill relating to stun guns is pending. See AB 2973 (Soto). If that bill is enacted, we will revise the proposed legislation accordingly.
§ 22610. Unlawful acts relating to stun gun

22610. Notwithstanding any other provision of law, any person may purchase, possess, or use a stun gun, subject to the following requirements:

(a) No person convicted of a felony or any crime involving an assault under the laws of the United States, the State of California, or any other state, government, or country, or convicted of misuse of a stun gun under Section 244.5, shall purchase, possess, or use a stun gun.

(b) No person addicted to any narcotic drug shall purchase, possess, or use a stun gun.

(c)(1) No person shall sell or furnish any stun gun to a minor unless the minor is at least 16 years of age and has the written consent of the minor’s parent or legal guardian.

(2) Violation of this subdivision shall be a public offense punishable by a fifty dollar ($50) fine for the first offense. Any subsequent violation of this subdivision is a misdemeanor.

(d) No minor shall possess any stun gun unless the minor is at least 16 years of age and has the written consent of the minor’s parent or legal guardian.

Comment. Section 22610 continues former Section 12651 without substantive change. See Section 17230 (“stun gun”). See also Section 22620 (violation punishable as misdemeanor).

§ 22615. Serial number and name of manufacturer

22615. Each stun gun sold shall contain both of the following:

(a) The name of the manufacturer stamped on the stun gun.

(b) The serial number applied by the manufacturer.

Comment. Section 22615 continues former Section 12652 without substantive change. See Section 17230 (“stun gun”). See also Section 22620 (violation punishable as misdemeanor).

§ 22620. Violation punishable as misdemeanor

22620. Unless otherwise specified, any violation of this division is a misdemeanor.

Comment. Section 22620 continues former Section 12653 without substantive change.

§ 22625. Instruction booklet for stun gun

22625. (a) Each stun gun sold in this state shall be accompanied by an instruction booklet.

(b) Violation of this section shall be a public offense punishable by a fifty dollar ($50) fine for each weapon sold without the booklet.

Comment. Section 22625 continues former Section 12654 without substantive change. See Section 17230 (“stun gun”).
DIVISION 9. TEAR GAS AND TEAR GAS WEAPONS

CHAPTER 1. GENERAL PROVISIONS

§ 22810. Lawful and unlawful acts relating to tear gas and tear gas weapons

22810. Notwithstanding any other provision of law, any person may purchase, possess, or use tear gas or a tear gas weapon for the projection or release of tear gas if the tear gas or tear gas weapon is used solely for self-defense purposes, subject to the following requirements:

(a) No person convicted of a felony or any crime involving an assault under the laws of the United States, the State of California, or any other state, government, or country, or convicted of misuse of tear gas under subdivision (g), shall purchase, possess, or use tear gas or a tear gas weapon.

(b) No person addicted to any narcotic drug shall purchase, possess, or use tear gas or a tear gas weapon.

(c) No person shall sell or furnish any tear gas or tear gas weapon to a minor.

(d) No minor shall purchase, possess, or use tear gas or a tear gas weapon.

(e)(1) No person shall purchase, possess, or use any tear gas weapon that expels a projectile, or that expels the tear gas by any method other than an aerosol spray, or that contains more than 2.5 ounces net weight of aerosol spray.

(2) Every tear gas container and tear gas weapon that may be lawfully purchased, possessed, and used pursuant to this section shall have a label that states: “WARNING: The use of this substance or device for any purpose other than self-defense is a crime under the law. The contents are dangerous — use with care.”

(3) After January 1, 1984, every tear gas container and tear gas weapon that may be lawfully purchased, possessed, and used pursuant to this section shall have a label that discloses the date on which the useful life of the tear gas weapon expires.

(4) Every tear gas container and tear gas weapon that may be lawfully purchased pursuant to this section shall be accompanied at the time of purchase by printed instructions for use.

(f) Effective March 1, 1994, every tear gas container and tear gas weapon that may be lawfully purchased, possessed, and used pursuant to this section shall be accompanied by an insert including directions for use, first aid information, safety and storage information, and explanation of the legal ramifications of improper use of the tear gas container or tear gas product.

(g)(1) Except as provided in paragraph (2), any person who uses tear gas or a tear gas weapon except in self-defense is guilty of a public offense and is punishable by imprisonment in a state prison for 16 months, or two or three years or in a county jail not to exceed one year or by a fine not to exceed one thousand dollars ($1,000), or by both the fine and imprisonment.
(2) If the use is against a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, engaged in the performance of official duties and the person committing the offense knows or reasonably should know that the victim is a peace officer, the offense is punishable by imprisonment in a state prison for 16 months or two or three years or by a fine of one thousand dollars ($1,000), or by both the fine and imprisonment.

Comment. Section 22810 continues former Section 12403.7 without substantive change.

See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

☞ Staff Note. Existing Section 12403.7(e)(3) states: “After January 1, 1984, every tear gas container and tear gas weapon that may be lawfully purchased, possessed, and used pursuant to this section shall have a label that discloses the date on which the useful life of the tear gas weapon expires.” (Emphasis added.) Because the requirement stated in that provision has been in effect for more than 20 years, we considered the possibility of deleting the reference to January 1, 1984.

In perhaps an excess of caution, we decided to retain the reference. Technically, the reference is not necessary. If a tear gas container or weapon was purchased before January 1, 1984, and thus lacks the label that is now required, establishing the time of purchase and the state of the law at that time should be sufficient to excuse compliance with the labeling requirement, regardless of whether the current statute refers to the commencement date of January 1, 1984.

Nonetheless, a statutory reference to the commencement date might still be helpful. It would spare people the trouble of determining the commencement date by more labor-intensive and costly means than reading the current statute.

As the requirement remains in force longer and longer, however, there will be fewer occasions to refer to the commencement date and thus less reason to include that date in the statute. We do not know whether it remains useful to include the commencement date of January 1, 1984, in proposed Section 22810(e)(3). We invite comment on that point. Absent clear indication that a statutory reference to the date is no longer helpful, we would leave it in.

A similar analysis applies to existing Section 12403.7(f), which states: “Effective March 1, 1994, every tear gas container and tear gas weapon ... shall be accompanied by an insert ....” (Emphasis added.) For the same reasons articulated with respect to the labeling requirement, and because 1994 is more recent than 1984, we have retained the commencement date in drafting proposed Section 22810(f).

§ 22815. Minor 16-years-old or older

22815. (a) Notwithstanding subdivision (d) of Section 22810, a minor who has attained the age of 16 years may purchase and possess tear gas or a tear gas weapon pursuant to this division if the minor is accompanied by a parent or guardian, or has the written consent of a parent or guardian.

(b) Notwithstanding subdivision (c) of Section 22810, a person may sell or furnish tear gas or a tear gas weapon to a minor who has attained the age of 16 years and who is accompanied by a parent or guardian, or who presents a statement of consent signed by the minor’s parent or guardian.

(c) Any civil liability of a minor arising out of the minor’s use of tear gas or a tear gas weapon other than for self-defense is imposed upon the person, parent, or guardian who signed the statement of consent specified in subdivision (b). That person, parent, or guardian shall be jointly and severally liable with the minor for
any damages proximately resulting from the negligent or wrongful act or omission
of the minor in the use of the tear gas or tear gas weapon.

Comment. Section 22815 continues former Section 12403.8 without substantive change.
See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

Staff Notes.
(1) Existing Section 12403.8 contains two incorrect cross-references:

- Subdivision (a) refers to “paragraph (4) of subdivision (a) of Section 12403.7,” which
does not exist. The obvious intent is to refer to subdivision (d) of Section 12403.7,
which used to be paragraph (4) of subdivision (a). See 1995 Cal. Stat. ch. 437, § 6.

- Subdivision (b) refers to “paragraph (3) of subdivision (a) of Section 12403.7,” which
does not exist. The obvious intent is to refer to subdivision (c) of Section 12403.7,
which used to be paragraph (3) of subdivision (a). See 1995 Cal. Stat. ch. 437, § 6.

The staff has corrected these cross-references in drafting proposed Section 22815.

This approach seems more reasonable than perpetuating references to nonexistent paragraphs.
Although this is a strictly nonsubstantive study, some degree of commonsense is appropriate in
interpreting existing law. We would exercise such commonsense here and note the situation in the
preliminary part of the Commission’s report.
We encourage comment on this point.

(2) Existing Section 12403.8(c) twice refers to a “person, parent, or guardian.” This phrase
seems to imply that the term “person” is not broad enough to encompass a parent or guardian.
Normally, however, the term “person” is broadly interpreted.
To avoid any risk of a substantive change, we have left the references to a “person, parent, or
guardian” intact in drafting proposed Section 22815. It would seem more sensible, however, to
replace those references with the phrase “parent, guardian, or other person.” Unless the
Commission otherwise directs, we will add this issue to the list of minor clean-up issues that the
Commission plans to include in its report to the Governor and the Legislature. See Memorandum
2008-27.

§ 22820. Peace officer trained in use of tear gas
22820. Nothing in this division prohibits any person who is a peace officer, as
defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, from
purchasing, possessing, transporting, or using any tear gas or tear gas weapon if
the person has satisfactorily completed a course of instruction approved by the
Commission on Peace Officer Standards and Training in the use of tear gas.

Comment. Section 22820 continues former Section 12403 without substantive change.
See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

§ 22825. Custodial officer of county
22825. A custodial officer of a county may carry a tear gas weapon pursuant to
Section 22820 only while on duty. A custodial officer of a county may carry a tear
gas weapon while off duty only in accordance with all other laws.

Comment. Section 22825 continues former Section 12403.9 without substantive change.
See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).
§ 22830. Member of military or federal law enforcement officer

22830. Nothing in this division prohibits any member of the military or naval forces of this state or of the United States or any federal law enforcement officer from purchasing, possessing, or transporting any tear gas or tear gas weapon for official use in the discharge of duties.

Comment. Section 22830 continues former Section 12403.1 without substantive change. See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

§ 22835. Private investigator or private patrol operator or employee

22835. Notwithstanding any other provision of law, a person holding a license as a private investigator pursuant to Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code, or private patrol operator pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, or a uniformed patrolperson employee of a private patrol operator, may purchase, possess, or transport any tear gas weapon, if it is used solely for defensive purposes in the course of the activity for which the license was issued and if the person has satisfactorily completed a course of instruction approved by the Department of Consumer Affairs in the use of tear gas.

Comment. Section 22835 continues former Section 12403.5 without substantive change. See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

☞ Staff Note. Existing Section 12403.5 refers to a “person holding a license as a private investigator or private patrol operator issued pursuant to Chapter 11 (commencing with Section 7500), Division 3 of the Business and Professions Code.” However, Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code no longer relates to private investigators and private patrol operators. Instead, it relates to repossession. The provisions governing private investigators are now located in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code. The provisions governing private patrol operators are now located in Chapter 11.5 (commencing with Section 7580) of the same division.

The staff has corrected the cross-reference in drafting proposed Section 22835. This approach seems more reasonable than perpetuating an obviously incorrect reference. Although this is a strictly nonsubstantive study, some degree of commonsense is appropriate in interpreting existing law. We would exercise such commonsense here and note the situation in the preliminary part of the Commission’s report.

We encourage comment on this point.

§ 22840. Tear gas or tear gas weapons in prison, jail, or similar institution

22840. Nothing in this division authorizes the possession of tear gas or a tear gas weapon in an institution described in Section 4574, or within the grounds belonging or adjacent to any such institution, except where authorized by the person in charge of the institution.

Comment. Section 22840 continues former Section 12404 without substantive change. See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).
CHAPTER 2. UNLAWFUL POSSESSION, SALE, OR TRANSPORTATION

§ 22900. Unlawful sale, possession, or transportation of tear gas or tear gas weapon
22900. Any person, firm, or corporation who within this state knowingly sells or offers for sale, possesses, or transports any tear gas or tear gas weapon, except as permitted under the provisions of this division, is guilty of a public offense and upon conviction thereof shall be punishable by imprisonment in the county jail for not exceeding one year or by a fine not to exceed two thousand dollars ($2,000), or by both.

Comment. Section 22900 continues former Section 12420 without substantive change.

See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

§ 22905. Affixation of serial number and name of manufacturer
22905. Each tear gas weapon sold, transported or possessed under the authority of this division shall bear the name of the manufacturer and a serial number applied by the manufacturer.

Comment. Section 22905 continues former Section 12421 without substantive change.

See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

§ 22910. Obliteration of serial number, name of manufacturer, or other identification mark
22910. (a) Any person who changes, alters, removes or obliterates the name of the manufacturer, the serial number, or any other mark of identification on a tear gas weapon is guilty of a public offense and, upon conviction, shall be punished by imprisonment in the state prison or by a fine of not more than two thousand dollars ($2,000) or by both.

(b) Possession of any such weapon upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed, or obliterated the same.

Comment. Subdivision (a) of Section 22910 continues the first paragraph of former Section 12422 without substantive change.

Subdivision (b) continues the second paragraph of former Section 12422 without change. Continuation of this material is not intended to reflect any determination regarding its constitutionality. For a case discussing the constitutionality of a similar provision, see In re Christopher K., 91 Cal. App. 4th 853, 110 Cal. Rptr. 914 (2001).

See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

☞ Staff Note. The case cited in the Comment to proposed Section 22910 — In re Christopher K. — held unconstitutional a provision much like the second paragraph of existing Section 12422. The invalidated provision was Section 12091, which states:

12091. Possession of any pistol or revolver upon which the name of the maker, model, manufacturer’s number or other mark of identification has been changed, altered, removed, or obliterated, shall be presumptive evidence that the possessor has changed, altered, removed, or obliterated the same.

The Commission has previously discussed the import of judicial decisions interpreting or determining the constitutionality of a deadly weapons provision. It decided:
If a provision has been invalidated by the court of last resort, then it should not be continued in the Commission’s proposed nonsubstantive reorganization of the deadly weapon statutes. Short of that, the provision should be included in the proposed legislation but (1) the Commission’s report should make clear that the Commission has not passed judgment on its constitutionality or the correctness of any judicial decision interpreting it, and (2) the proposed legislation should include an uncodified provision to similar effect.

Minutes (April 2008), pp. 5-6. The Commission further decided that the Comment to the provision that continues Section 12091, which was held unconstitutional in Christopher K., “should state that the recodification is not intended to reflect any assessment of the constitutionality of the provision.” Minutes (April 2007), p. 11.

Consistent with this guidance, proposed Section 22910(b) would continue the substance of the second paragraph of existing Section 12422, even though that provision might be subject to constitutional challenge. In addition, the Comment would refer to In re Christopher K. and expressly state that continuation of the provision “is not intended to reflect any determination regarding its constitutionality.

The wording of the provision could be much improved, as follows:

Possession of any such tear gas weapon upon which the same shall have with a mark of identification that has been changed, altered, removed, or obliterated shall be presumptive evidence that the possessor has changed, altered, removed, or obliterated the same mark.

The staff considered using such language in proposed Section 22910(b).

We decided not to make any changes in the existing language, however, so as to avoid any contention that such changes indicate an assessment that the provision is constitutional. This decision might be overly cautious.

Does the Commission agree with the approach used, or should proposed Section 22910(b) be revised to make grammatical improvements such as the ones shown above? We invite comment on this point, and on the other matters discussed above.

CHAPTER 3. PERMITS

§ 23000. Permit issued by Department of Justice

23000. The Department of Justice may issue a permit for the possession and transportation of tear gas or a tear gas weapon that is not intended or certified for personal self-defense purposes, upon proof that good cause exists for issuance of the permit to the applicant. The permit may also allow the applicant to install, maintain, and operate a protective system involving the use of tear gas or a tear gas weapon in any place that is accurately and completely described in the permit application.

Comment. Section 23000 continues former Section 12423 without substantive change.

See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

§ 23005. Permit application

23005. (a) An application for a permit shall satisfy all of the following requirements:

(1) It shall be filed in writing.
(2) It shall be signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation.

(3) It shall state the applicant’s name, business in which engaged, business address, and a full description of the place or vehicle in which the tear gas or tear gas weapon is to be transported, kept, installed, or maintained.

(b) If the tear gas or tear gas weapon is to be used in connection with, or to constitute, a protective system, the application shall also contain the name of the person who is to install the protective system.

(c) Applications and permits shall be uniform throughout the state upon forms prescribed by the Department of Justice.

Comment. Section 23005 continues the first three paragraphs of former Section 12424 without substantive change.

See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

§ 23010. Permit fees and renewal process

23010. (a) Each applicant for a permit shall pay, at the time of filing the application, a fee determined by the Department of Justice, not to exceed the application processing costs of the Department of Justice.

(b) A permit granted pursuant to this chapter may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a permit renewal fee, not to exceed the application processing costs of the Department of Justice.

(c) After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department’s budget.

Comment. Section 23010 continues the fourth paragraph of former Section 12424 without substantive change.

See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

§ 23015. Permit for bank or other financial institution

23015. (a) Notwithstanding Section 23000, a bank, a savings and loan association, a credit union, or an industrial loan company that maintains more than one office or branch may make a single annual application for a permit.

(b) In addition to the requirements set forth in this chapter, an application under this section shall separately state the business address and a full description of each office or branch in which the tear gas or tear gas weapon is to be kept, installed, or maintained. Any location addition or deletion as to an office or branch shall be reported to the department within 60 days of the change.

(c) A single permit issued under this section shall allow for the possession, operation, and maintenance of tear gas at each office or branch named in the application, including any location change.

Comment. Section 20315 continues former Section 12424.5 without substantive change.

See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).
§ 23020. Storage of permit

23020. Every person, firm or corporation to whom a permit is issued shall either carry the permit upon the person or keep it in the place described in the permit. The permit shall be open to inspection by any peace officer or other person designated by the authority issuing the permit.

Comment. Section 23020 continues former Section 12425 without substantive change.

§ 23025. Revocation or suspension of permit

23025. A permit issued in accordance with this chapter may be revoked or suspended by the issuing authority at any time when it appears that the need for the possession or transportation of the tear gas or tear gas weapon or protective system involving the use thereof, has ceased, or that the holder of the permit has engaged in an unlawful business or occupation or has wrongfully made use of the tear gas or tear gas weapon or the permit issued.

Comment. Section 23025 continues former Section 12426 without substantive change.

See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).