


## Memorandum 2008-25

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

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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,

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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.

1                   **TITLE 3. WEAPONS OTHER THAN FIREARMS**

2                                   **DIVISION 1. BLOWGUNS**

3   **§ 20010 . Unlawful acts relating to blowguns or blowgun ammunition**

4       20010. A person who knowingly manufactures, sells, offers for sale, possesses,  
5   or uses a blowgun or blowgun ammunition in this state is guilty of a misdemeanor.

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

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

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

10   **§ 20015. Use of blowgun or blowgun ammunition by veterinarian or animal control**  
11       **professional**

12       20015. Nothing in this division shall prohibit the sale to, purchase by,  
13   possession of, or use of a blowgun or blowgun ammunition by zookeepers, animal  
14   control officers, Department of Fish and Game personnel, humane officers whose  
15   names are maintained in the county record of humane officers pursuant to Section  
16   14502 of the Corporations Code, or veterinarians in the course and scope of their  
17   business in order to administer medicine to animals.

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

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

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## 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).

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

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

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

### 17 § 20390. Air gauge knife constituting nuisance

18 20390. Except as provided in Chapter 1 (commencing with Section 17700) of  
19 Division 2 of Title 2, an air gauge knife is a nuisance and is subject to Section  
20 18010.

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

23 See Section 16140 (“air gauge knife”).

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

25 12029. Except as provided in Section 12020, blackjacks, slungshots, billies, nunchakus,  
26 sandclubs, sandbags, shurikens, metal knuckles, short-barreled shotguns or short-barreled  
27 rifles as defined in Section 12020, and *any other item which is listed in subdivision (a) of*  
28 *Section 12020 and is not listed in subdivision (a) of Section 12028* are nuisances, and the  
29 Attorney General, district attorney, or city attorney may bring an action to enjoin the  
30 manufacture of, importation of, keeping for sale of, offering or exposing for sale, giving,  
31 lending, or possession of, any of the foregoing items. These weapons shall be subject to  
32 confiscation and summary destruction whenever found within the state. These weapons shall  
33 be destroyed in the same manner as other weapons described in Section 12028, except that  
34 upon the certification of a judge or of the district attorney that the ends of justice will be  
35 subserved thereby, the weapon shall be preserved until the necessity for its use ceases.

36 (Emphasis added.) To improve organizational clarity, the Commission decided to divide up the  
37 material in this provision according to the type of weapon or equipment covered, with generally  
38 applicable language to be placed in the title on “Weapons Generally.” Minutes (April 2007), p.  
39 10.

40 Implementing that decision required assessment of which weapons and equipment fall within  
41 the catchall provision of Section 12029 — i.e., which weapons and equipment are listed in  
42 Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff  
43 determined that the catchall provision encompasses an air gauge knife. See Memorandum 2007-  
44 19, pp. 9-10.

45 Thus, proposed Section 20390 would continue the first part of the first sentence of existing  
46 Section 12029, as it pertains to an air gauge knife. The generally applicable language in existing  
47 Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum  
48 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using  
49 the code, proposed Section 20390 would cross-refer 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.

1 Article 3. Cane Sword

2 **§ 20510. Prohibition on manufacture, import, sale, gift, loan, or possession of cane sword**

3 20510. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of  
4 Title 2, any person in this state who manufactures or causes to be manufactured,  
5 imports into the state, keeps for sale, or offers or exposes for sale, or who gives,  
6 lends, or possesses any cane sword is punishable by imprisonment in a county jail  
7 not exceeding one year or in the state prison.

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

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

12 See Section 16340 (“cane sword”). See also Sections 17800 (distinct and separate offense),  
13 20590 (cane sword constituting nuisance).

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

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

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

27 **§ 20590. Cane sword constituting nuisance**

28 20590. Except as provided in Chapter 1 (commencing with Section 17700) of  
29 Division 2 of Title 2, a cane sword is a nuisance and is subject to Section 18010.

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

32 See Section 16340 (“cane sword”).

33 **Staff Note.** As discussed in the Staff Note on proposed Section 20390, the Commission has  
34 decided to divide up the material in existing Section 12029 according to the type of weapon or  
35 equipment covered, with generally applicable language to be placed in the title on “Weapons  
36 Generally.” Implementing that decision required assessment of which weapons and equipment  
37 fall within the catchall provision of Section 12029 — i.e., which weapons and equipment are  
38 listed in Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff  
39 determined that the catchall provision encompasses a cane sword. See Memorandum 2007-19, pp.  
40 9-10.

41 Thus, proposed Section 20590 would continue the first part of the first sentence of existing  
42 Section 12029, as it pertains to a cane sword. The generally applicable language in existing  
43 Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum  
44 2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using  
45 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.

1 Article 5. Shobi-zue

2 **§ 20710. Prohibition on manufacture, import, sale, gift, loan, or possession of shobi-zue**

3 20710. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of  
4 Title 2, any person in this state who manufactures or causes to be manufactured,  
5 imports into the state, keeps for sale, or offers or exposes for sale, or who gives,  
6 lends, or possesses any shobi-zue is punishable by imprisonment in a county jail  
7 not exceeding one year or in the state prison.

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

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

12 See Section 17160 (“shobi-zue”). See also Sections 17800 (distinct and separate offense),  
13 20790 (shobi-zue constituting nuisance).

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

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

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

27 **§ 20790. Shobi-zue constituting nuisance**

28 20790. Except as provided in Chapter 1 (commencing with Section 17700) of  
29 Division 2 of Title 2, a shobi-zue is a nuisance and is subject to Section 18010.

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

32 See Section 17160 (“shobi-zue”).

33 **☞ Staff Note.** As discussed in the Staff Note on proposed Section 20390, the Commission has  
34 decided to divide up the material in existing Section 12029 according to the type of weapon or  
35 equipment covered, with generally applicable language to be placed in the title on “Weapons  
36 Generally.” Implementing that decision required assessment of which weapons and equipment  
37 fall within the catchall provision of Section 12029 — i.e., which weapons and equipment are  
38 listed in Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff  
39 determined that the catchall provision encompasses a shobi-zue. See Memorandum 2007-19, pp.  
40 9-10.

41 Thus, proposed Section 20790 would continue the first part of the first sentence of existing  
42 Section 12029, as it pertains to a shobi-zue. The generally applicable language in existing Section  
43 12029 would be continued in proposed Section 18010 (reproduced in Memorandum 2008-24, in  
44 “Selected Provisions From Drafts Previously Considered”). To assist persons using the code,  
45 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.

1 **§ 20815. Undetectable knife for law enforcement or military entity**

2 20815. Section 20810 does not apply to the manufacture or importation of an  
3 undetectable knife for sale to a law enforcement or military entity, nor does  
4 Section 20810 apply to the subsequent sale of an undetectable knife to a law  
5 enforcement or military entity.

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

8 **§ 20820. Undetectable knife for historical society, museum, or institutional collection open**  
9 **to public**

10 20820. Section 20810 does not apply to the manufacture or importation of an  
11 undetectable knife for sale to a federal, state, or local historical society, museum,  
12 or institutional collection that is open to the public, provided that the undetectable  
13 knife is properly housed and secured from unauthorized handling, nor does  
14 Section 20810 apply to the subsequent sale of the knife to any of these entities.

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

17 **Article 7. Writing Pen Knife**

18 **§ 20910. Prohibition on manufacture, import, sale, gift, loan, or possession of writing pen**  
19 **knife**

20 20910. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of  
21 Title 2, any person in this state who manufactures or causes to be manufactured,  
22 imports into the state, keeps for sale, or offers or exposes for sale, or who gives,  
23 lends, or possesses any writing pen knife is punishable by imprisonment in a  
24 county jail not exceeding one year or in the state prison.

25 **Comment.** With respect to a writing pen knife, Section 20910 continues former Section  
26 12020(a)(1) without substantive change.

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

29 See Section 17350 (“writing pen knife”). See also Sections 17800 (distinct and separate  
30 offense), 20990 (writing pen knife constituting nuisance).

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

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

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

1    **§ 20990. Writing pen knife constituting nuisance**

2    20990. Except as provided in Chapter 1 (commencing with Section 17700) of  
3    Division 2 of Title 2, a writing pen knife is a nuisance and is subject to Section  
4    18010.

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

7         See Section 17350 (“writing pen knife”).

8         **Staff Note.** As discussed in the Staff Note on proposed Section 20390, the Commission has  
9    decided to divide up the material in existing Section 12029 according to the type of weapon or  
10   equipment covered, with generally applicable language to be placed in the title on “Weapons  
11   Generally.” Implementing that decision required assessment of which weapons and equipment  
12   fall within the catchall provision of Section 12029 — i.e., which weapons and equipment are  
13   listed in Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff  
14   determined that the catchall provision encompasses a writing pen knife. See Memorandum 2007-  
15   19, pp. 9-10.

16         Thus, proposed Section 20990 would continue the first part of the first sentence of existing  
17   Section 12029, as it pertains to a writing pen knife. The generally applicable language in existing  
18   Section 12029 would be continued in proposed Section 18010 (reproduced in Memorandum  
19   2008-24, in “Selected Provisions From Drafts Previously Considered”). To assist persons using  
20   the code, proposed Section 20990 would cross-refer to proposed Section 18010.

21    CHAPTER 3. BALLISTIC KNIFE

22    **§ 21110. Prohibition on manufacture, import, sale, gift, loan, or possession of ballistic knife**

23    21110. Subject to Chapter 1 (commencing with Section 17700) of Division 2 of  
24    Title 2, any person in this state who manufactures or causes to be manufactured,  
25    imports into the state, keeps for sale, or offers or exposes for sale, or who gives,  
26    lends, or possesses any ballistic knife is punishable by imprisonment in a county  
27    jail not exceeding one year or in the state prison.

28         **Comment.** With respect to a ballistic knife, Section 21110 continues former Section  
29    12020(a)(1) without substantive change.

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

32         See Section 16220 (“ballistic knife”). See also Sections 17800 (distinct and separate offense),  
33    21190 (ballistic knife constituting nuisance).

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

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

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



1 **§ 21390. Concealed dagger or dirk constituting nuisance**

2 21390. The unlawful concealed carrying upon the person of any dagger or dirk,  
3 as provided in Section 21310, is a nuisance and is subject to Sections 18000 and  
4 18005.

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

7 See Section 16420 (“dagger” or “dirk”).

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

9 12028. (a) *The unlawful concealed carrying upon the person of any explosive*  
10 *substance, other than fixed ammunition, dirk, or dagger, as provided in Section 12020, the*  
11 *unlawful carrying of any handguns in violation of Section 12025, and the unlawful*  
12 *possession or carrying of any item in violation of Section 653k is a nuisance.*

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

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

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

26 CHAPTER 5. SWITCHBLADE KNIFE

27 **§ 21510. Restrictions relating to switchblade knife**

28 21510. A person who does any of the following with a switchblade knife having  
29 a blade two or more inches in length is guilty of a misdemeanor:

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

32 (b) Carries the knife upon the person.

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

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

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

38 **§ 21590. Switchblade knife constituting nuisance**

39 21590. The unlawful possession or carrying of any switchblade knife, as  
40 provided in Section 21510, is a nuisance and is subject to Sections 18000 and  
41 18005.





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

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

10 **§ 21890. Metal knuckles constituting nuisance**

11 21890. Except as provided in Chapter 1 (commencing with Section 17700) of  
12 Division 2 of Title 2, metal knuckles are a nuisance and are subject to Section  
13 18010.

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

16 See Section 16920 (“metal knuckles”).

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

26 DIVISION 5. NUNCHAKU

27 **§ 22010. Prohibition on manufacture, import, sale, gift, loan, or possession of nunchaku**

28 22010. Subject to Section 22015 and Chapter 1 (commencing with Section  
29 17700) of Division 2 of Title 2, any person in this state who manufactures or  
30 causes to be manufactured, imports into the state, keeps for sale, or offers or  
31 exposes for sale, or who gives, lends, or possesses any nunchaku is punishable by  
32 imprisonment in a county jail not exceeding one year or in the state prison.

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

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

38 See Section 16940 (“nunchaku”). See also Sections 17800 (distinct and separate offense),  
39 22090 (nunchaku constituting nuisance).

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

44 Existing Section 12020 specifies many situations in which its prohibitions do not apply. Some  
45 of these exemptions are expressly limited to a particular type of weapon or equipment. For

1 example, paragraphs (b)(3) and (b)(4) of existing Section 12020 create exemptions that expressly  
2 apply to a nunchaku in certain circumstances. Proposed Section 22015 (referenced in proposed  
3 Section 22010) would continue those provisions.

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

10 **§ 22015. Nunchaku for school teaching arts of self-defense**

11 22015. Section 22010 does not apply to either of the following:

12 (a) The possession of a nunchaku on the premises of a school that holds a  
13 regulatory or business license and teaches the arts of self-defense.

14 (b) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a  
15 school that holds a regulatory or business license and teaches the arts of self-  
16 defense.

17 **Comment.** Subdivision (a) of Section 22015 continues former Section 12020(b)(3) without  
18 substantive change.

19 Subdivision (b) continues former Section 12020(b)(4) without substantive change.

20 For additional circumstances in which Section 16910 is inapplicable, see Sections 16590  
21 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited  
22 weapons).

23 See Section 16940 (“nunchaku”).

24 **§ 22090. Nunchaku constituting nuisance**

25 22090. Except as provided in Section 22015 and in Chapter 1 (commencing with  
26 Section 17700) of Division 2 of Title 2, a nunchaku is a nuisance and is subject to  
27 Section 18010.

28 **Comment.** With respect to a nunchaku, Section 22090 continues the first part of the first  
29 sentence of former Section 12029 without substantive change.

30 See Section 16940 (“nunchaku”).

31 **Staff Note.** As discussed in the Staff Note on proposed Section 20390, the Commission has  
32 decided to divide up the material in existing Section 12029 according to the type of weapon or  
33 equipment covered, with generally applicable language to be placed in the title on “Weapons  
34 Generally.” Consistent with that decision, proposed Section 22090 would continue the first part  
35 of the first sentence of existing Section 12029, as it pertains to a nunchaku. The generally  
36 applicable language in existing Section 12029 would be continued in proposed Section 18010  
37 (reproduced in Memorandum 2008-24, in “Selected Provisions From Drafts Previously  
38 Considered”). To assist persons using the code, proposed Section 22090 would cross-refer to  
39 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.

1 For additional circumstances in which Section 22210 is inapplicable, see Sections 16590  
2 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited  
3 weapons).

4 **☞ Staff Notes.**

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

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

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

21 We noted, however, that

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

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

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

35 **§ 22290. Leaded cane, blackjack, slungshot, billy, sandclub, sap, or sandbag constituting**  
36 **nuisance**

37 22290. Except as provided in Section 22210 and in Chapter 1 (commencing with  
38 Section 17700) of Division 2 of Title 2, a leaded cane or any instrument or weapon  
39 of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or  
40 sandbag is a nuisance and is subject to Section 18010.

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

44 See Section 16760 (“leaded cane”).

45 **☞ Staff Note.** As discussed in the Staff Note on proposed Section 20390, the Commission has  
46 decided to divide up the material in existing Section 12029 according to the type of weapon or  
47 equipment covered, with generally applicable language to be placed in the title on “Weapons

1 Generally.” Implementing that decision required assessment of which weapons and equipment  
2 fall within the catchall provision of Section 12029 — i.e., which weapons and equipment are  
3 listed in Section 12020(a) and not in Section 12028(a). By comparing those two sections, the staff  
4 determined that among other things, the catchall provision encompasses a leaded cane and a sap.  
5 See Memorandum 2007-19, pp. 9-10. The other types of weapons mentioned in proposed Section  
6 22290 — a blackjack, slungshot, billy, sandclub, or sandbag — are expressly mentioned in  
7 existing Section 12029.

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

14 **§ 22295. Wooden club or baton for law enforcement purposes**

15 § 22295. (a) Nothing in [this chapter] prohibits a police officer, special police  
16 officer, peace officer, or law enforcement officer from carrying any wooden club  
17 or baton.

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

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

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

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

43 (f) Any person employed as a county sheriff’s or police security officer, as  
44 defined in Section 831.4, shall not be required to obtain a club or baton permit or

1 to complete a course certified by the Department of Consumer Affairs in the  
2 carrying and use of a club or baton, provided that the person completes a course  
3 approved by the Commission on Peace Officer Standards and Training in the  
4 carrying and use of the club or baton, within 90 days of employment.

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

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

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

16 **☞ Staff Notes.**

17 (1) Subdivision (a) of existing Section 12002(a) says: “Nothing in *this chapter* prohibits ....”  
18 (Emphasis added.) Similar statements appear in subdivisions (b) and (g). The chapter referenced  
19 in these provisions is “Chapter 1. Firearms” of “Title 2. Control of Deadly Weapons” of “Part 4.  
20 Prevention of Criminals.” That chapter contains numerous provisions: Penal Code Sections  
21 12000-12101. It will be extensively reorganized in the Commission’s nonsubstantive study.

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

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

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

33 **17515. Officer carrying equipment authorized for enforcement of law or ordinance**

34 17515. Nothing in [this chapter] prohibits a police officer, special police officer, peace  
35 officer, or law enforcement officer from carrying any equipment authorized for the  
36 enforcement of law or ordinance in any city or county.

37 **Comment.** With respect to “any equipment authorized for the enforcement of law or  
38 ordinance in any city or county,” Section 17515 continues former Section 12002(a) without  
39 substantive change. The remainder of former Section 12002(a) is continued in Section  
40 22295(a) without substantive change.

41 Unless the Commission otherwise directs, we will include this provision in the next draft of  
42 “Division 1. Miscellaneous Rules Relating to Weapons Generally” of “Title 2. Weapons  
43 Generally.” Consistent with that approach, proposed Section 22295(a) would only refer to a  
44 “wooden club or baton.” It would omit the broad phrase “any equipment authorized for the  
45 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.

1    **§ 22610. Unlawful acts relating to stun gun**

2       22610. Notwithstanding any other provision of law, any person may purchase,  
3    possess, or use a stun gun, subject to the following requirements:

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

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

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

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

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

18      **Comment.** Section 22610 continues former Section 12651 without substantive change.

19      See Section 17230 (“stun gun”). See also Section 22620 (violation punishable as  
20    misdemeanor).

21    **§ 22615. Serial number and name of manufacturer**

22       22615. Each stun gun sold shall contain both of the following:

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

24      (b) The serial number applied by the manufacturer.

25      **Comment.** Section 22615 continues former Section 12652 without substantive change.

26      See Section 17230 (“stun gun”). See also Section 22620 (violation punishable as  
27    misdemeanor).

28    **§ 22620. Violation punishable as misdemeanor**

29       22620. Unless otherwise specified, any violation of this division is a  
30    misdemeanor.

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

32    **§ 22625. Instruction booklet for stun gun**

33       22625. (a) Each stun gun sold in this state shall be accompanied by an  
34    instruction booklet.

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

37      **Comment.** Section 22625 continues former Section 12654 without substantive change.

38      See Section 17230 (“stun gun”).



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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.

1 (2) If the use is against a peace officer, as defined in Chapter 4.5 (commencing  
2 with Section 830) of Title 3 of Part 2, engaged in the performance of official  
3 duties and the person committing the offense knows or reasonably should know  
4 that the victim is a peace officer, the offense is punishable by imprisonment in a  
5 state prison for 16 months or two or three years or by a fine of one thousand  
6 dollars (\$1,000), or by both the fine and imprisonment.

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

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

9 **Staff Note.** Existing Section 12403.7(e)(3) states: “*After January 1, 1984*, every tear gas  
10 container and tear gas weapon that may be lawfully purchased, possessed, and used pursuant to  
11 this section shall have a label that discloses the date on which the useful life of the tear gas  
12 weapon expires.” (Emphasis added.) Because the requirement stated in that provision has been in  
13 effect for more than 20 years, we considered the possibility of deleting the reference to January 1,  
14 1984.

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

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

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

28 A similar analysis applies to existing Section 12403.7(f), which states: “*Effective March 1,*  
29 *1994*, every tear gas container and tear gas weapon ... shall be accompanied by an insert ....”  
30 (Emphasis added.) For the same reasons articulated with respect to the labeling requirement, and  
31 because 1994 is more recent than 1984, we have retained the commencement date in drafting  
32 proposed Section 22810(f).

33 **§ 22815. Minor 16-years-old or older**

34 22815. (a) Notwithstanding subdivision (d) of Section 22810, a minor who has  
35 attained the age of 16 years may purchase and possess tear gas or a tear gas  
36 weapon pursuant to this division if the minor is accompanied by a parent or  
37 guardian, or has the written consent of a parent or guardian.

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

42 (c) Any civil liability of a minor arising out of the minor’s use of tear gas or a  
43 tear gas weapon other than for self-defense is imposed upon the person, parent, or  
44 guardian who signed the statement of consent specified in subdivision (b). That  
45 person, parent, or guardian shall be jointly and severally liable with the minor for

1 any damages proximately resulting from the negligent or wrongful act or omission  
2 of the minor in the use of the tear gas or tear gas weapon.

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

5 **☞ Staff Notes.**

6 (1) Existing Section 12403.8 contains two incorrect cross-references:

- 7 • Subdivision (a) refers to “paragraph (4) of subdivision (a) of Section 12403.7,” which  
8 does not exist. The obvious intent is to refer to subdivision (d) of Section 12403.7,  
9 which used to be paragraph (4) of subdivision (a). See 1995 Cal. Stat. ch. 437, § 6.
- 10 • Subdivision (b) refers to “paragraph (3) of subdivision (a) of Section 12403.7,” which  
11 does not exist. The obvious intent is to refer to subdivision (c) of Section 12403.7,  
12 which used to be paragraph (3) of subdivision (a). See 1995 Cal. Stat. ch. 437, § 6.

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

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

18 We encourage comment on this point.

19 (2) Existing Section 12403.8(c) twice refers to a “person, parent, or guardian.” This phrase  
20 seems to imply that the term “person” is not broad enough to encompass a parent or guardian.  
21 Normally, however, the term “person” is broadly interpreted.

22 To avoid any risk of a substantive change, we have left the references to a “person, parent, or  
23 guardian” intact in drafting proposed Section 22815. It would seem more sensible, however, to  
24 replace those references with the phrase “parent, guardian, or other person.” Unless the  
25 Commission otherwise directs, we will add this issue to the list of minor clean-up issues that the  
26 Commission plans to include in its report to the Governor and the Legislature. See Memorandum  
27 2008-27.

28 **§ 22820. Peace officer trained in use of tear gas**

29 22820. Nothing in this division prohibits any person who is a peace officer, as  
30 defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, from  
31 purchasing, possessing, transporting, or using any tear gas or tear gas weapon if  
32 the person has satisfactorily completed a course of instruction approved by the  
33 Commission on Peace Officer Standards and Training in the use of tear gas.

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

36 **§ 22825. Custodial officer of county**

37 22825. A custodial officer of a county may carry a tear gas weapon pursuant to  
38 Section 22820 only while on duty. A custodial officer of a county may carry a tear  
39 gas weapon while off duty only in accordance with all other laws.

40 **Comment.** Section 22825 continues former Section 12403.9 without substantive change.  
41 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

1    **§ 22830. Member of military or federal law enforcement officer**

2    22830. Nothing in this division prohibits any member of the military or naval  
3 forces of this state or of the United States or any federal law enforcement officer  
4 from purchasing, possessing, or transporting any tear gas or tear gas weapon for  
5 official use in the discharge of duties.

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

8    **§ 22835. Private investigator or private patrol operator or employee**

9    22835. Notwithstanding any other provision of law, a person holding a license  
10 as a private investigator pursuant to Chapter 11.3 (commencing with Section  
11 7512) of Division 3 of the Business and Professions Code, or private patrol  
12 operator pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3  
13 of the Business and Professions Code, or a uniformed patrolperson employee of a  
14 private patrol operator, may purchase, possess, or transport any tear gas weapon, if  
15 it is used solely for defensive purposes in the course of the activity for which the  
16 license was issued and if the person has satisfactorily completed a course of  
17 instruction approved by the Department of Consumer Affairs in the use of tear gas.

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

20    **Staff Note.** Existing Section 12403.5 refers to a “person holding a license as a private  
21 investigator or private patrol operator issued pursuant to Chapter 11 (commencing with Section  
22 7500), Division 3 of the Business and Professions Code.” However, Chapter 11 (commencing  
23 with Section 7500) of Division 3 of the Business and Professions Code no longer relates to  
24 private investigators and private patrol operators. Instead, it relates to repossessioners.

25       The provisions governing private investigators are now located in Chapter 11.3 (commencing  
26 with Section 7512) of Division 3 of the Business and Professions Code. The provisions governing  
27 private patrol operators are now located in Chapter 11.5 (commencing with Section 7580) of the  
28 same division.

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

34       We encourage comment on this point.

35    **§ 22840. Tear gas or tear gas weapons in prison, jail, or similar institution**

36    22840. Nothing in this division authorizes the possession of tear gas or a tear gas  
37 weapon in an institution described in Section 4574, or within the grounds  
38 belonging or adjacent to any such institution, except where authorized by the  
39 person in charge of the institution.

40       **Comment.** Section 22840 continues former Section 12404 without substantive change.  
41       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:

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

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

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

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

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

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

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

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

## 28 CHAPTER 3. PERMITS

### 29 § 23000. Permit issued by Department of Justice

30 23000. The Department of Justice may issue a permit for the possession and  
31 transportation of tear gas or a tear gas weapon that is not intended or certified for  
32 personal self-defense purposes, upon proof that good cause exists for issuance of  
33 the permit to the applicant. The permit may also allow the applicant to install,  
34 maintain, and operate a protective system involving the use of tear gas or a tear  
35 gas weapon in any place that is accurately and completely described in the permit  
36 application.

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

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

### 39 § 23005. Permit application

40 23005. (a) An application for a permit shall satisfy all of the following  
41 requirements:

42 (1) It shall be filed in writing.

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

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

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

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

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

13 See Sections 17240 ("tear gas"), 17250 ("tear gas weapon").

14 **§ 23010. Permit fees and renewal process**

15 23010. (a) Each applicant for a permit shall pay, at the time of filing the  
16 application, a fee determined by the Department of Justice, not to exceed the  
17 application processing costs of the Department of Justice.

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

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

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

28 See Sections 17240 ("tear gas"), 17250 ("tear gas weapon").

29 **§ 23015. Permit for bank or other financial institution**

30 23015. (a) Notwithstanding Section 23000, a bank, a savings and loan  
31 association, a credit union, or an industrial loan company that maintains more than  
32 one office or branch may make a single annual application for a permit.

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

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

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

42 See Sections 17240 ("tear gas"), 17250 ("tear gas weapon").

1    **§ 23020. Storage of permit**

2       23020. Every person, firm or corporation to whom a permit is issued shall either  
3 carry the permit upon the person or keep it in the place described in the permit.  
4 The permit shall be open to inspection by any peace officer or other person  
5 designated by the authority issuing the permit.

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

7    **§ 23025. Revocation or suspension of permit**

8       23025. A permit issued in accordance with this chapter may be revoked or  
9 suspended by the issuing authority at any time when it appears that the need for  
10 the possession or transportation of the tear gas or tear gas weapon or protective  
11 system involving the use thereof, has ceased, or that the holder of the permit has  
12 engaged in an unlawful business or occupation or has wrongfully made use of the  
13 tear gas or tear gas weapon or the permit issued.

14       **Comment.** Section 23025 continues former Section 12426 without substantive change.  
15 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

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