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LOS ANGELES UNIFIED SCHOOL DISTRICT

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RAMON C. CORTINES
SUPERINTENDENT OF SCHOOLS

May 14, 2015

RE: CALIFORNIA LAW REGARDING SAFE STORAGE OF FIREARMS

Dear LAUSD Parents and Guardians:

The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in the Los Angeles Unified School District of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.

To help everyone understand their legal responsibilities, this memo spells out California law regarding the storage of firearms. Please take some time to review this memo and evaluate your own personal practices to assure that you and your family are in compliance with California law.

- California makes a person criminally liable for keeping a loaded firearm, under their custody and control, where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby: (1) causes death or great bodily injury to the child or any other person; (2) carries the firearm to a public place, including to any preschool or school grades K–12, including to any school-sponsored event, activity, or performance; or (3) brandishes a firearm to others. The criminal penalty maybe greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.¹
- As of 2014, California makes a person criminally liable if they negligently store or leave any loaded firearm on their premises where a child is likely to gain access to it—regardless of whether or not the child brings the gun to a public place.¹
- A parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward. These damages may be up to \$30,000 per victim.²
- **Gun owners may avoid criminal liability under Cal. Penal Code § 25100 by keeping their firearm in a locked container or secured with a locking device that renders the firearm inoperable.³**

Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

Sincerely,

Ramon C. Cortines
Superintendent of Schools

¹ See Cal. Penal Code §§ 25100 through 25125; 25200 through 25220.

² See Cal. Civil Code § 1714.3.

³ See Cal. Penal Code §§ 25105; 25205.

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RAMON C. CORTINES
SUPERINTENDENT OF SCHOOLS

15 de mayo del 2015

TEMA: LA LEY DE CALIFORNIA CON RESPECTO AL ALMACENAMIENTO SEGURO DE ARMAS DE FUEGO

Estimados Padres y Tutores Legales:

El propósito de esta notificación es para informarles y recordarles a los padres y tutores legales de todos los estudiantes en el Distrito Escolar de Los Angeles de sus responsabilidades para mantener las armas fuera del alcance de los niños, como es requerido por la ley de California. Ha habido muchos reportajes sobre niños que llevan armas a la escuela. Muchas veces el niño ha obtenido el arma de su casa. Estos incidentes se pueden prevenir fácilmente guardando las armas de fuego en una manera segura y protegida, incluyendo guardadas bajo llave cuando no se utilizan y que la munición se almacenan por separado.

Para ayudar que todos entiendan esta responsabilidad, esta notificación explica en detalle la ley de California con respecto al almacenamiento de armas de fuego. Por favor tome tiempo para revisar esta notificación y evaluar su propia situación personal para asegurar que esté en cumplimiento con la ley de California.

- California hace que una persona sea penalmente responsable por guardar una arma de fuego cargada en un lugar donde sabe, o razonablemente sabe, que un niño tiene la probabilidad de obtener acceso, si el niño en realidad obtiene acceso al arma de fuego y, o: (1) causa la muerte o gran daño corporal al niño, o a otra persona; (2) lleva una arma de fuego a un lugar público, incluyendo a cualquier escuela preescolar o escuela K–12 o a cualquier otro evento, actividad o función patrocinados por cualquier escuela; (3) enseña la arma de fuego a otra persona. La pena criminal es mayor si alguien muere o sufre un gran daño corporal como resultado de que el niño obtuvo acceso al arma de fuego.¹
- A partir del 2014, California hace que una persona sea penalmente responsable si negligentemente guarda o deja cualquier arma de fuego cargada en su casa donde un niño tiene la probabilidad de obtener acceso—a pesar de si el niño lleva el arma de fuego a un espacio público o no.²
- Un padre o tutor legal también puede tener responsabilidad civil por los daños y perjuicios que resultan de la descarga de un arma de fuego por el niño o pupilo de esa persona. Estos daños y perjuicios pueden ser hasta \$30,000 por víctima.
- **Los dueños de armas pueden evitar responsabilidad criminal bajo el Penal Civil de California § 25100 guardando su arma de fuego en un recipiente asegurado con llave o protegido con un mecanismo de seguridad que hace el arma inoperable.³**

Gracias por ayudar a mantener seguros a nuestros niños y las escuelas. Recuerde que la manera más fácil y segura de cumplir con la ley es de guardar las armas de fuego en un recipiente asegurado con llave o protegida con un mecanismo de seguridad cuando no se utiliza.

Atentamente,

Ramon C. Cortines
Superintendente del District Escolar

¹ Vea el Código Penal de California §§ 25100–25125; 25200–25220.

² Vea el Código Civil de California § 1714.3.

³ Vea el Código Penal de California §§ 25105; 25205.



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

May 13, 2015

Dear County and District Superintendents and Charter School Administrators:

SAFE STORAGE OF FIREARMS AND SCHOOL SAFETY AND SECURITY

In spite of two decades of high-profile school shootings throughout the U.S., safety overall has improved and violence has dropped. Yet, almost weekly, another school attack or safety scare arises. The psychological impact of these incidents is evident.

With each incident, regardless of location, our awareness of the need to be vigilant increases. Any level of violence and victimization is unacceptable. Recent analysis of school shootings found that 68 percent of shooters brought firearms from home to their campus. It is important for district and school administrators to help educate parents and guardians about California's child access prevention laws; it is a crime for a person to negligently store or leave a loaded firearm in a place where a child is likely to access it.

Please consider this an urgent request to inform your school community about the law regarding safe storage of firearms. I have attached two templates (English and Spanish versions) for memoranda to parents and guardians informing them of the laws in California regarding safe storage of firearms. I strongly encourage you to use these documents to help educate parents and guardians of their responsibilities under California law.

When it comes to gun violence, schools cannot do it alone. The California Department of Education and the education community are dedicated to making our schools the safest in the nation, but it is the responsibility of parents and guardians to store firearms according to California law. If California's child access prevention law is to be practiced more widely throughout the state, we must all work together to prevent future tragedies.

Schools must remain welcoming while maintaining consistent efforts to increase the safety of students and staff. This is not an easy task, and I applaud your ongoing efforts to increase school safety and awareness. Students and staff thrive in a culture free of fear and risk of school shootings. To that end, my staff will continue to provide resources and technical assistance. If you have questions about school safety and security, please contact Stephanie Papas, School Health Education Consultant, by phone at 916-445-8441 or by e-mail at spapas@cde.ca.gov.

Sincerely,

Tom Torlakson

TT:sp
Attachments

2015-03037