

EXPANDED COURSE OUTLINE  
REGULAR BASIC COURSE  
LEARNING DOMAIN 40  
WEAPONS VIOLATIONS

**Effective date of outline: February 15, 2017**

**I. LEARNING NEED**

Arrest and successful prosecution depend on the development of probable cause. Peace officers must know the elements required to arrest for crimes related to the possession of prohibited weapons and to correctly categorize these crimes as misdemeanors or felonies.

**LEARNING OBJECTIVES**

- A. Recognize the crime elements required to arrest for:
  - 1. Possession of a prohibited weapon
  - 2. Possession of an illegal knife
  - 3. Unlawful possession of tear gas weapon or chemical agent
  
- B. Recognize the crime classification as a misdemeanor or felony
  - 1. Possession of a prohibited weapon is a felony
  - 2. Possession of an illegal knife is a misdemeanor
  - 3. Unlawful possession of tear gas weapon or a chemical agent is a misdemeanor

**II. LEARNING NEED**

Arrest and successful prosecution depend on the development of probable cause. Peace officers must know the elements required to arrest for crimes related to the possession of firearms and to correctly categorize these crimes as misdemeanors or felonies.

**LEARNING OBJECTIVES**

- A. Recognize the crime elements required to arrest for:
  - 1. Carrying a firearm in a public place or within a vehicle
  - 2. Possession of a deadly weapon with intent to assault another person
  - 3. Possession of a loaded firearm with intent to commit a felony
  - 4. Alteration or removal of identifying marks from a firearm
  
- B. Recognize the crime classification as a misdemeanor or felony
  - 1. Carrying a firearm in a public place or within a vehicle is misdemeanor
  - 2. Possession of a deadly weapon with intent to assault another is a felony
  - 3. Possession of a loaded firearm with intent to commit a felony is a felony
  - 4. Altering ID marks is a felony

**III. LEARNING NEED**

Arrest and successful prosecution depend on the development of probable cause. Peace officers must know the elements required to arrest for crimes related to unlawful concealment of firearms and to correctly categorize these crimes as misdemeanors or felonies.

## LEARNING OBJECTIVES

- A. Recognize the statutory definition of a concealed firearm
  - 1. Any device designed to be used as a firearm 16 inches in length, and capable of being concealed upon a person.
- B. Recognize the exceptions to the license requirement for possession of a concealable firearm
  - 1. Penal Code Section 12026 identifies specific conditions under which a person is exempt from the license requirement for the possession of a concealable firearm.
  - 2. Penal Code Section 12027 identifies exempt persons
- C. Recognize the crime elements, classification for possession of a concealable firearm without a license
  - 1. Penal Code Section 12025 state any person who carries concealed a firearm that is capable of being concealed (loaded or unloaded), upon one's person, or within any vehicle under that person's control or direction, without a license or permit.
- D. Recognize the crime classification for possession of a concealable firearm without a license.
  - 1. Misdemeanor unless specified conditions met
  - 2. Felony if person has been convicted of any felony previously.
  - 3. The firearm is stolen or person knew or had reasonable cause go believe it was stolen (Penal Code Section 12025 (b) (2))
  - 4. The person is an active participant of a criminal street gang. Per 186.22 (a) and Penal Code Section 12025 (b) (3)

## IV. LEARNING NEED

Arrest and successful prosecution depend on the development of probable cause. Peace officers must know the elements required to arrest for crimes related to possession of firearms by restricted persons or within restricted areas and to correctly categorize these crimes as misdemeanors or felonies.

## LEARNING OBJECTIVES

- A. Recognize the crime elements required to arrest for possession of:
  - 1. A firearm by a convicted felon, narcotic addict, or other restricted persons
  - 2. A firearm by a person convicted of a specified misdemeanor
  - 3. An unauthorized weapon in a prohibited location
- B. Recognize the crime classification as a misdemeanor or felony
  - 1. Unauthorized possession of weapons in the aforementioned sections is a felony.

## V. LEARNING NEED

Arrest and successful prosecution depend on the development of probable cause. Peace officers must know the elements required to arrest for crimes related to the drawing, exhibiting, or unlawful use of weapons and to correctly categorize these crimes as misdemeanors or felonies.

### LEARNING OBJECTIVES

- A. Recognize the crime elements required to arrest for, drawing, exhibiting, or unlawful use of a:
  - 1. Deadly weapon (other than a firearm) Firearm
  - 2. Firearm in the presence of a motor vehicle occupant
  - 3. Imitation firearm
  - 4. Loaded firearms on the grounds of any daycare facility
  - 5. Firearm in the presence of a peace officer
  
- B. Recognize the crime elements required to arrest, and classification for unlawful discharging of a firearm
  - 1. Any person who, except as otherwise authorized by law who willfully discharges a firearm in a grossly negligent manner which could result in injury or death to a person is guilty of a felony.
  
- C. Recognize the classification of crimes related to unlawful use of weapons as misdemeanors or felonies.
  - 1. Drawing or exhibiting a deadly weapon in rude angry threatening fashion is guilty of a misdemeanor.
  - 2. Any person who draws or exhibits any firearms (loaded or unloaded) in a rude angry, threatening manner is guilty of a misdemeanor.
  - 3. Any person who draws or exhibits a fire am in the presence of another person who is the occupant of a motor vehicle proceeding on a public street is guilty of a felony.
  - 4. Any person who except in self defense, draws or exhibits an imitation firearm is guilty of a misdemeanor.
  - 5. Any person who has a loaded firearm in fight or quarrel on the grounds of a daycare center is guilty of a felony
  - 6. Any person who in the presence of a peace officer draws or exhibits any firearm in a rude or threatening manner of any is guilty of a felony.

## VI. REQUIRED TESTS

- A. The POST-Constructed Comprehensive Test 3.

<u>Description</u>	<u>Hours</u>
POST Minimum Required Hours	<u>4</u>
Agency Specific Hours	<u>2</u>
Total Instructional Hours	<u>6</u>