



# Roll Call Training Bulletin

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## INJUNCTION IMMEDIATELY PROHIBITING ENFORCEMENT OF PENAL CODE § 22210

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On 2/23/2024, Judge Roger T. Benitez, United States District Court for the Southern District of California, struck down a law banning possession of club-like weapons, reversing his previous ruling from three years ago (*Fouts v. Bonta*) that upheld the prohibition on billy clubs, batons, and similar blunt objects. Based on the recent 2022 U.S. Supreme Court decision in *New York State Rifle & Pistol Association v. Bruen* regarding the Second Amendment right to bear arms, Judge Benitez issued a permanent injunction, effective immediately, which directs that:

*Those duly sworn state peace officers and federal law enforcement officers who gain knowledge of this injunction order or know of the existence of this injunction order, are enjoined from implementing or enforcing California Penal Code § 22210 as it applies to a billy.*

**EFFECTIVE IMMEDIATELY**, peace officers can no longer take enforcement action against any person who manufactures, imports, sells, gives, lends, or possesses a weapon commonly known as a billy (commonly referred to as a baton) per California Penal Code § 22210. This law has been declared unconstitutional by Judge Benitez's recent court decision and is unenforceable until further notice.

### **Penal Code § 22210:**

Except as provided in 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 billy, blackjack, sandbag, sandclub, sap, or slungshot, is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170.