

# KERN COUNTY SHERIFF'S OFFICE

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DONNY YOUNGBLOOD  
Sheriff - Coroner - Public Administrator



Issue: 24-37

## TRAINING BULLETIN

DATE: November 12, 2024

### California Penal Code 22210 Injunction

This training bulletin provides an overview and analysis of the **Fouts v. Bonta (2024)** case, focusing on the possession of "Billy Clubs" as it pertains to Penal Code 22210. The court ruled that possession of a "Billy Club" is constitutionally protected under the Second Amendment.


**California Penal Code 22210:** *Any person 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.*

Baton-like weapons, such as "Billy Clubs," have been outlawed for civilians in some form in California since 1923. However, in 2019 the law was challenged which resulted in the Court's decision described above.

On February 23, 2024, the United States District Court ordered a **permanent injunction (19-CV-01662-BEN-JLB)** prohibiting the enforcement of section 22210 as it relates to the prohibition of possessing a "Billy Club." That injunction was subsequently formalized by a written injunction (**2024-DLE-08**) from the California Attorney General's Office, issued on August 9, 2024. The written injunction does not affect any other provisions in Penal Code 22210, which remain in effect.

Until further notice from the California Department of Justice, law enforcement will no longer enforce Penal Code 22210 as it pertains to possessing "Billy Clubs."

**All sworn personnel** are required to acknowledge this training bulletin indicating you have read the training bulletin and attached CA DOJ Information Bulletin by **December 11, 2024**.

<div>California Department of Justice DIVISION OF LAW ENFORCEMENT Stephen Woolery, Chief</div> <div></div>	<div><b>INFORMATION BULLETIN</b></div>	
<div>Subject:</div> <div><b>Notice Regarding Permanent Injunction Enjoining Enforcement of California Penal Code Section 22210 as to a Billy</b></div>	<div>No.</div> <div>2024-DLE-08</div>	<div>Contact for information:</div> <div>John Echeverria Supervising Deputy Attorney General Government Law Section John.Echeverria@doj.ca.gov</div>
	<div>Date:</div> <div>08/09/2024</div>	

**TO: ALL LAW ENFORCEMENT AGENCIES AND LOCAL PROSECUTORS IN THE STATE OF CALIFORNIA**

On February 23, 2024, the United States District Court for the Southern District of California issued a permanent injunction in the case of *Fouts v. Bonta*, No. 19-cv-01662-BEN-JLB.

The permanent injunction enjoins the enforcement of California Penal Code section 22210 as it applies to a “billy”<sup>1</sup> and binds Attorney General Rob Bonta, in his official capacity, as well as his officers, agents, servants, employees, and attorneys, those persons in active concert or participation with him, and duly sworn state peace officers and federal law enforcement officers who gain knowledge of the injunction.

California Penal Code section 22210 provides that “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.”

The permanent injunction applies only to California Penal Code section 22210 as it applies to a billy and does not affect any other provisions in Section 22210, which remain in effect.

The permanent injunction is attached hereto as “Attachment 1.”

<sup>1</sup> A “billy” is a “club or heavy stick; truncheon, esp. one carried by a policeman.” (*People v. Mercer* (1995) 42 Cal.App.4th Supp. 1, 5, citation omitted.) A “billy” is also informally referred to as a billy club. (*People v. Davis* (2013) 214 Cal.App.4th 1322, 1326.)

# Attachment 1



**United States District Court**  
**SOUTHERN DISTRICT OF CALIFORNIA**

Russell Fouts ; Tan Miguel Tolentino

**Plaintiff,**

**V.**

Rob Bonta, in his official capacity as  
Attorney General of the State of  
California

**Defendant.**

**Civil Action No.** 19-cv-01662-BEN-JLB

**JUDGMENT IN A CIVIL CASE**

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS HEREBY ORDERED AND ADJUDGED:**

Summary judgment is entered for Plaintiffs. Defendant Attorney General Rob Bonta, and his officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with him, and 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. Case is closed.

**Date:** 2/23/24

**CLERK OF COURT**  
**JOHN MORRILL, Clerk of Court**

By: s/ D.Frank

D.Frank, Deputy