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Opinion by Corrigan, J., with George, C.J., Kennard, Baxter, Werdegar, Chin, and Moreno, JJ.

Issue

Does a bicycle footrest meet the statutory definition for "metal knuckles" in California Penal Code section 12020(c)(7)?

Facts

The State of California charged fourteen-year-old David V. with illegal possession of metal knuckles in violation of California Penal Code section 12020(a)(1), after a police officer found a bicycle footrest in David's pants pocket.[1] On August 21, 2007, the officer pulled over David for riding his bicycle without a helmet and found the bicycle footrest in David's pocket after a consensual search.[2] The officer had previously learned, in gang detail, that a bicycle footrest is often used like brass knuckles by holding the footrest in a closed fist and using it as "an impact punching device."[3] The officer also observed that there was no place on David's bike to attach a footrest, and that no other footrest was attached to David's bicycle.[4]

The juvenile court found that the footrest met the statutory definition of metal knuckles in Penal Code section 12020(c)(7), since it was a metal device, "worn for purposes of offense or defense in or on the hand which either protects the wearer's hand while striking a blow or increases the force of impact from the blow or injury to the individual receiving the blow."[5] In addition, the court ruled that David carried the footrest as a weapon.[6] The court reasoned that the footrest did not fit on his bicycle, that the

1 In re David V., 48 Cal. 4th 23, 25 (2010). *See also* CAL. PENAL CODE § 12020(a)(1) (West 2010). The footrest recovered was a cylindrical object approximately four inches in length that is meant to be attached on threaded posts on each side of a bicycle's wheel hub. *In re David V.*, 48 Cal. 4th at 25 n.1. Other names used for this object are "foot stool," "tooth rest," and "tooth stool." In re David V., 166 Cal. App. 4th 801, 805 n.2 (2008).

2 *In re David V.*, 48 Cal. 4th at 25.

3 *Id.*

4 *Id.*

5 *Id.* (quoting CAL. PENAL CODE § 12020(c)(7)).

6 *Id.* at 25.

footrest was something used to support the fist for punching, and that it was too big for David to have casually carried in his pocket.[7]

In the Court of Appeal, David argued that the footrest must be attached to his hand to qualify as metal knuckles, since the statutory definition requires that metal knuckles be "worn."[8] The Court of Appeal rejected David's argument and reasoned that the Legislature used the words "worn . . . *in or on* the hand" in the statutory definition of metal knuckles in order to include objects that can simply be held in one's hand for purposes of attacking another or defending one's fist while attacking another.[9] The Court of Appeal then reasoned that there was enough evidence to conclude David possessed the footrest knowing it was a weapon and was willing to use it as a weapon, based on the officer's observations that there was no apparent reason for David to be carrying the footrest in his pocket.[10] After the Court of Appeal affirmed the juvenile court's ruling, David petitioned the California Supreme Court for review.[11]

Analysis

The court catalogued the history of the meaning of metal knuckles in California jurisprudence.[12] Prior to 1985, California Penal Code section 1020 made possession of metal knuckles illegal, but never specifically defined metal knuckles.[13] In 1968, the court in *People v. Deane* used various dictionary definitions for metal knuckles; yet the court in *Deane* did not clearly define the meaning of metal knuckles.[14] In *Deane*, the defendant claimed that a three-inch metal bar with a metal strap welded to both ends was a toolbox handle and not metal knuckles.[15] The court in *Deane* ultimately held that the jury must be instructed on elements that make a legal object different from an illegal object to determine whether the defendant possessed metal knuckles or a toolbox handle.[16] The definition that appears today in section 12020(c)(7) was added by the legislature in 1984, and in 1988, section 12020 was amended to make clear that the

7 *Id.*
8 *Id.*; CAL. PENAL CODE § 12020(c)(7).
9 *In re David V.*, 48 Cal. 4th at 25; CAL. PENAL CODE § 12020(c)(7).
10 *In re David V.*, 48 Cal. 4th at 26.
11 *Id.*
12 *Id.*
13 *Id.* (citing People v. King, 38 Cal. 4th 617, 623–24 (2006)).
14 *Id.* (citing People v. Deane, 259 Cal. App. 2d 82, 86–87 (1968)).
15 *Id.* at 26–27 (citing *Deane*, 259 Cal. App. 2d at 85–86).
16 *Id.* at 27 (citing *Deane*, 259 Cal. App. 2d at 90).

statutory definition of metal knuckles is controlling when analyzing section 12020.[17]

The court then turned to the plain meaning of section 12020(c)(7) to determine whether the footrest met the statutory definition of "metal knuckles".[18] The court acknowledged there was a strong argument that a footrest is not metal knuckles, since the plain meaning of "'worn . . . in or on the hand'" seems to apply to objects that are attached to one's hand instead of objects simply held in one's hand.[19] However, the court also acknowledged there was a strong argument the footrest should be considered metal knuckles, since the statute describes metal knuckles as a device that "'*either* protects the wearer's hand while striking a blow *or increases the force of impact from the blow* . . . . The metal contained in the device may *help support the hand or fist*.'"[20] Consequently, the plain language also leads to the conclusion that the legislature meant to include objects held in a closed fist, since metal knuckles may be used primarily to support the fist instead of providing a harder striking surface.[21]

To answer the aforementioned ambiguity of the phrase "worn . . . in or on the hand" in section 12020(c)(7), the court referred to the history of the 1984 legislation enacting the statutory definition for metal knuckles.[22] A Senate Judiciary Committee Analysis surrounding the enactment of the definition in subdivision (c)(7) revealed that the legislature enacted the definition as a "minor modification" to existing laws to ensure the inclusion of a weapon that the legislature was particularly concerned with at the time.[23] This new weapon that caught the Legislature's attention was described in the Senate Judiciary Committee Analysis as a weapon consisting of:

> [A] piece of leather which can be *attached to either the back of the palm of the hand*, along with a strap to secure the device to the wrist and leather loops for the assailant's fingers. The apparatus is covered with metal cone-shaped spikes which are about three-quarters of an inch long.[24]

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17 *Id.* at 27.

18 *Id.*

19 *Id.*

20 *Id.* at 28 (citing CAL. PENAL CODE § 12020(c)(7)).

21 *Id.* at 27.

22 *Id.* at 28.

23 *Id.* at 29 (citing ASSEMB. COMM'N. ON CRIMINAL LAW AND PUBLIC SAFETY, ANALYSIS OF SEN. BILL NO. 2248 (1983–1984 Reg. Sess.) for hearing June 27, 1984, p. 1).

24 *Id.* at 28 (citing SEN. COMM'N. ON JUDICIARY, ANALYSIS OF SEN. BILL NO. 2248 (1983–1984 Reg. Sess.) as amended Mar. 28, 1984, pp. 1–4 (second emphasis added)).

Unlike ordinary brass knuckles, this weapon was also used with an open fist since metal studs were sometimes strapped to the palm of the hand.[25] As a result, the court reasoned that the Legislature adopted the definition of "in or on the hand" to specifically include this new weapon that had metal attached to parts of the hand other than the knuckles.[26] In addition, the court noted another part of the committee analysis, which states, "the proposed definition would also cover any ring . . . because a ring would 'protect the wearer's hand' and increase the force of impact from the blow.'"[27] The court reasoned that the Legislature was also preoccupied with rings during the enactment of the definition, which are "worn" on one's hand.[28] For these reasons, the court decided that the definition enacted in section 12020(c)(7) did not contemplate objects that are simply held in one's hand while throwing a punch, such as a bicycle footrest or a roll of quarters.[29] The court noted that the Legislature described the definition as a "minor modification" to existing law and did not intend the broad definition of metal knuckles proposed by the prosecution.[30]

Holding

The California Supreme Court reversed the Court of Appeal.[31] The court held that that a cylindrical object merely grasped in the hand does not qualify as metal knuckles under section 12020(c)(7).[32] The court stressed, however, that the language of the statute is flexible and does not require a device to be attached to the hand in a particular fashion to be considered metal knuckles.[33] Ultimately, because a bicycle footrest is merely grasped in the hand and not attached to the hand in any way, David was not in possession of metal knuckles as defined by the statute.[34]

Legal Significance

The court's decision precludes objects held in the hand while punching from being considered metal knuckles. This includes

25 *Id.* at 30.
26 *Id.*
27 *Id.* at 29 (citing SEN. COMM'N. ON JUDICIARY, ANALYSIS OF SEN. BILL NO. 2248 (1983–1984 Reg. Sess.) as amended Mar. 28, 1984, pp. 1–4).
28 *Id.* at 30.
29 *Id.*
30 *Id.*
31 *Id.* at 31.
32 *Id.* at 30.
33 *Id.*
34 *Id.* at 30–31.

batteries, rolls of quarters, bicycle footrests, and other objects that are commonly used to support the fist while throwing a punch. For a device to qualify as metal knuckles under section 12020(c)(7), the court's decision requires that the device at least be fitted to or wrapped around the hand in some way.