

AMENDED IN ASSEMBLY MARCH 24, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2828

**Introduced by Assembly Members ~~Wesson and Cohn~~
(~~Coauthor: Assembly Member Koretz~~) Cohn, Wesson, and
Koretz**

February 20, 2004

An act to amend Sections 7582.2, 7583.12, 7583.37, 7597.1, and 7597.6 of the *Business and Professions Code*, to amend Sections 171b, 171.5, 626.9, 12025, 12026.2, 12027, 12028, 12050, and 12807 of the *Penal Code*, and to amend Section 10334 of the *Public Contract Code*, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2828, as amended, ~~Wesson-Cohn~~. Firearms.

Existing law, subject to exceptions, makes it a crime to carry a concealed handgun in a vehicle, as specified.

This bill would recast those provisions and change the description of the crime to unlawful carrying of a handgun, as specified. This bill would make it a crime to carry a handgun in a vehicle, subject to exceptions, regardless of whether the handgun was concealed. This bill would also provide additional exceptions to the provisions establishing the crime.

By changing the scope of an existing crime, this bill would impose a state-mandated local program.

Existing law authorizes the sheriff of a county, and the chief or other head of a municipal police department to issue a license to carry concealed, a handgun, as specified.

This bill would additionally authorize those local entities to issue a license to carry unloaded and exposed, a handgun, as specified.

This bill would make other technical conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 7582.2 of the Business and Professions*
2 *Code is amended to read:*

3 7582.2. This chapter does not apply to:

4 (a) A person employed exclusively and regularly by any
5 employer who does not provide contract security services for other
6 entities or persons, in connection with the affairs of the employer
7 only and where there exists an employer-employee relationship if
8 that person at no time carries or uses any deadly weapon in the
9 performance of his or her duties. For purposes of this subdivision,
10 “deadly weapon” is defined to include any instrument or weapon
11 of the kind commonly known as a blackjack, slungshot, billy,
12 sandclub, sandbag, metal knuckles, any dirk, dagger, pistol,
13 revolver, or any other firearm, any knife having a blade longer than
14 five inches, any razor with an unguarded blade and any metal pipe
15 or bar used or intended to be used as a club.

16 (b) An officer or employee of the United States of America, or
17 of this state or a political subdivision thereof, while the officer or
18 employee is engaged in the performance of his or her official
19 duties, including uniformed peace officers employed part time by
20 a public agency pursuant to a written agreement between a chief
21 of police or sheriff and the public agency, provided the part-time
22 employment does not exceed 50 hours in any calendar month.

23 (c) A person engaged exclusively in the business of obtaining
24 and furnishing information as to the financial rating of persons.



1 (d) A charitable philanthropic society or association duly
2 incorporated under the laws of this state which is organized and
3 maintained for the public good and not for private profit.

4 (e) Patrol special police officers appointed by the police
5 commission of any city, county, or city and county under the
6 express terms of its charter who also under the express terms of the
7 charter (1) are subject to suspension or dismissal after a hearing on
8 charges duly filed with the commission after a fair and impartial
9 trial, (2) must be not less than 18 years of age nor more than 40
10 years of age, (3) must possess physical qualifications prescribed
11 by the commission, and (4) are designated by the police
12 commission as the owners of a certain beat or territory as may be
13 fixed from time to time by the police commission.

14 (f) An attorney at law in performing his or her duties as an
15 attorney at law.

16 (g) A collection agency or an employee thereof while acting
17 within the scope of his or her employment, while making an
18 investigation incidental to the business of the agency, including an
19 investigation of the location of a debtor or his or her property
20 where the contract with an assignor creditor is for the collection of
21 claims owed or due or asserted to be owed or due or the equivalent
22 thereof.

23 (h) Admitted insurers and agents and insurance brokers
24 licensed by the state, performing duties in connection with
25 insurance transacted by them.

26 (i) Any bank subject to the jurisdiction of the Commissioner of
27 Financial Institutions of the State of California under Division 1
28 (commencing with Section 99) of the Financial Code or the
29 Comptroller of Currency of the United States.

30 (j) A person engaged solely in the business of securing
31 information about persons or property from public records.

32 (k) A peace officer of this state or a political subdivision thereof
33 while the peace officer is employed by a private employer to
34 engage in off-duty employment in accordance with Section 1126
35 of the Government Code. However, nothing herein shall exempt
36 such peace officer who either contracts for his or her services or
37 the services of others as a private patrol operator or contracts for
38 his or her services as or is employed as an armed private security
39 officer. For purposes of this subdivision, "armed security officer"

1 means an individual who carries or uses a firearm in the course and
2 scope of that contract or employment.

3 (l) A retired peace officer of the state or political subdivision
4 thereof when the retired peace officer is employed by a private
5 employer in employment approved by the chief law enforcement
6 officer of the jurisdiction where the employment takes place,
7 provided that the retired officer is in a uniform of a public law
8 enforcement agency, has registered with the bureau on a form
9 approved by the director, and has met any training requirements
10 or their equivalent as established for security personnel under
11 Section 7583.5. This officer may not carry a loaded *firearm* or
12 concealed ~~firearm~~ *handgun* unless he or she is exempted under the
13 provisions of subdivision (a) of Section 12027 of the Penal Code
14 or paragraph (1) of subdivision (b) of Section 12031 of the Penal
15 Code or has met the requirements set forth in Section 12033 of the
16 Penal Code. However, nothing herein shall exempt the retired
17 peace officer who contracts for his or her services or the services
18 of others as a private patrol operator.

19 (m) A licensed insurance adjuster in performing his or her
20 duties within the scope of his or her license as an insurance
21 adjuster.

22 (n) Any savings association subject to the jurisdiction of the
23 Commissioner of Financial Institutions or the Office of Thrift
24 Supervision.

25 (o) Any secured creditor engaged in the repossession of the
26 creditor's collateral and any lessor engaged in the repossession of
27 leased property in which it claims an interest.

28 (p) A peace officer in his or her official police uniform acting
29 in accordance with subdivisions (c) and (d) of Section 70 of the
30 Penal Code.

31 *SEC. 2. Section 7583.12 of the Business and Professions Code*
32 *is amended to read:*

33 7583.12. (a) No employee of a licensee shall carry or use a
34 firearm unless the employee has in his or her possession both of the
35 following:

36 (1) A valid guard registration card issued pursuant to this
37 chapter.

38 (2) A valid firearm qualification card issued pursuant to this
39 chapter.

(b) Paragraph (2) of subdivision (a) shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who meets all of the following:

(1) He or she has successfully completed a course of study in the use of firearms.

(2) He or she is authorized to carry a concealed ~~firearm~~ handgun in the course and scope of his or her employment pursuant to subdivision (a) of Section 12027 of the Penal Code.

(3) He or she has proof that he or she has applied to the bureau for a firearms qualification card.

(c) (1) This section shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who has written approval from his or her primary employer, as defined in paragraph (2) of subdivision (i) of Section 7583.9, to carry a firearm while working as a security guard or security officer.

(2) A peace officer exempt under this subdivision shall carry on his or her person a letter of approval from his or her primary employer authorizing him or her to carry a firearm while working as a security guard or security officer.

SEC. 3. Section 7583.37 of the Business and Professions Code is amended to read:

7583.37. The director may assess fines as enumerated in Article 7 (commencing with Section 7587). Assessment of administrative fines shall be independent of any other action by the bureau or any local, state, or federal governmental agency that may result from a violation of this article. In addition to other prohibited acts under this chapter, no licensee, qualified manager, or registered security guard shall, during the course and scope of licensed activity, do any of the following:

(a) Carry any inoperable, replica, or other simulated firearm.

(b) Use a firearm in violation of the law, or in knowing violation of the standards for the carrying and usage of firearms as taught in the course of training in the carrying and use of firearms. Unlawful or prohibited uses of firearms shall include, but not be limited to, the following:

(1) Illegally using, carrying, or possessing a dangerous weapon.

(2) Brandishing a weapon.

1 (3) Drawing a weapon without proper cause.

2 (4) Provoking a shooting incident without cause.

3 (5) Carrying or using a firearm while on duty while under the
4 influence of alcohol or dangerous drugs.

5 (6) Carrying or using a firearm of a caliber for which a firearms
6 permit has not been issued by the bureau.

7 (c) Carry or use a baton in the performance of his or her duties,
8 unless he or she has in his or her possession a valid baton certificate
9 issued pursuant to Section 7585.14.

10 (d) Carry or use tear gas or any other nonlethal chemical agent
11 in the performance of his or her duties unless he or she has in his
12 or her possession proof of completion of a course in the carrying
13 and use of tear gas or any other nonlethal chemical agent.

14 (e) Carry a concealed pistol, revolver, or other firearm capable
15 of being concealed upon the person unless one of the following
16 circumstances applies:

17 (1) The person has been issued a permit to carry a pistol,
18 revolver, or other firearm capable of being concealed upon the
19 person in a concealed manner by a local law enforcement agency
20 pursuant to Section 12050 of the Penal Code.

21 (2) The person is employed as a guard or messenger of a
22 common carrier, bank, or other financial institution and he or she
23 carries the weapon while actually employed in and about the
24 shipment, transportation, or delivery of any money, treasure,
25 bullion, bonds, or other thing of value within this state, as specified
26 in subdivision (e) of Section 12027 of the Penal Code.

27 (3) The person is an honorably retired peace officer authorized
28 to carry a concealed ~~firearm~~ *handgun* pursuant to subdivision (a)
29 or (i) of Section 12027 of the Penal Code.

30 (4) The person is a duly appointed peace officer, as defined in
31 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of
32 the Penal Code, who is authorized to carry a concealed ~~firearm~~
33 *handgun* in the course and scope of his or her employment
34 pursuant to subdivision (a) of Section 12027 of the Penal Code.

35 *SEC. 4. Section 7597.1 of the Business and Professions Code*
36 *is amended to read:*

37 7597.1. (a) No licensee, qualified manager, branch office
38 manager, or alarm agent shall carry, use, or possess a loaded or
39 unloaded firearm in the course and scope of his or her
40 employment, whether or not it is serviceable or operative, unless

1 he or she has in his or her possession a valid and current firearms
2 qualification card issued to him or her by the bureau. The card shall
3 be shown to any peace officer or bureau representative upon
4 demand.

5 (b) Subdivision (a) shall not apply to a duly appointed peace
6 officer, as defined in Chapter 4.5 (commencing with Section 830)
7 of Title 3 of Part 2 of the Penal Code, who meets all of the
8 following:

9 (1) He or she has successfully completed a course of study in
10 the use of firearms.

11 (2) He or she is authorized to carry a concealed ~~firearm~~
12 *handgun* in the course and scope of his or her employment
13 pursuant to subdivision (a) of Section 12027 of the Penal Code.

14 (3) He or she has proof that he or she has applied to the bureau
15 for a firearms qualification card.

16 (c) A fine of twenty-five dollars (\$25) may be assessed for the
17 first violation of this section and a fine of one hundred dollars
18 (\$100) for each subsequent violation.

19 *SEC. 5. Section 7597.6 of the Business and Professions Code*
20 *is amended to read:*

21 7597.6. (a) No licensee, qualified manager, branch office
22 manager, or alarm agent shall carry a pistol, revolver, or other
23 firearm capable of being concealed upon the person in a concealed
24 manner unless one of the following circumstances apply:

25 (1) The person has been issued a permit to carry that firearm in
26 a concealed manner by a local law enforcement agency pursuant
27 to Section 12050 of the Penal Code.

28 (2) The person is an honorably retired peace officer authorized
29 to carry a concealed ~~firearm~~ *handgun* pursuant to subdivision (a)
30 or (i) of Section 12027 of the Penal Code.

31 (3) The person is a duly appointed peace officer, as defined in
32 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of
33 the Penal Code, who is authorized to carry a concealed ~~firearm~~
34 *handgun* in the course and scope of his or her employment
35 pursuant to subdivision (a) of Section 12027 of the Penal Code.

36 (b) A fine of five hundred dollars (\$500) may be assessed for
37 each violation of subdivision (a).

38 *SEC. 6. Section 171b of the Penal Code is amended to read:*

39 171b. (a) Any person who brings or possesses within any
40 state or local public building or at any meeting required to be open

1 to the public pursuant to Chapter 9 (commencing with Section
2 54950) of Part 1 of Division 2 of Title 5 of, or Article 9
3 (commencing with Section 11120) of Chapter 1 of Part 1 of
4 Division 3 of Title 2 of, the Government Code, any of the
5 following is guilty of a public offense punishable by imprisonment
6 in a county jail for not more than one year, or in the state prison:

7 (1) Any firearm.

8 (2) Any deadly weapon described in Section 653k or 12020.

9 (3) Any knife with a blade length in excess of four inches, the
10 blade of which is fixed or is capable of being fixed in an unguarded
11 position by the use of one or two hands.

12 (4) Any unauthorized tear gas weapon.

13 (5) Any taser or stun gun, as defined in Section 244.5.

14 (6) Any instrument that expels a metallic projectile, such as a
15 BB or pellet, through the force of air pressure, CO₂ pressure, or
16 spring action, or any spot marker gun or paint gun.

17 (b) Subdivision (a) shall not apply to, or affect, any of the
18 following:

19 (1) A person who possesses weapons in, or transports weapons
20 into, a court of law to be used as evidence.

21 (2) (A) A duly appointed peace officer as defined in Chapter
22 4.5 (commencing with Section 830) of Title 3 of Part 2, a retired
23 peace officer with authorization to carry *a* concealed ~~weapons~~
24 *handgun* as described in subdivision (a) of Section 12027, a
25 full-time paid peace officer of another state or the federal
26 government who is carrying out official duties while in California,
27 or any person summoned by any of these officers to assist in
28 making arrests or preserving the peace while he or she is actually
29 engaged in assisting the officer.

30 (B) Notwithstanding subparagraph (A), subdivision (a) shall
31 apply to any person who brings or possesses any weapon specified
32 therein within any courtroom if he or she is a party to an action
33 pending before the court.

34 (3) A person holding a valid license to carry the firearm
35 pursuant to Article 3 (commencing with Section 12050) of
36 Chapter 1 of Title 2 of Part 4.

37 (4) A person who has permission to possess that weapon
38 granted in writing by a duly authorized official who is in charge
39 of the security of the state or local government building.

(5) A person who lawfully resides in, lawfully owns, or is in lawful possession of, that building with respect to those portions of the building that are not owned or leased by the state or local government.

(6) A person licensed or registered in accordance with, and acting within the course and scope of, Chapter 11.5 (commencing with Section 7512) or Chapter 11.6 (commencing with Section 7590) of Division 3 of the Business and Professions Code who has been hired by the owner or manager of the building if the person has permission pursuant to paragraph (5).

(7) (A) A person who, for the purpose of sale or trade, brings any weapon that may otherwise be lawfully transferred, into a gun show conducted pursuant to Sections 12071.1 and 12071.4.

(B) A person who, for purposes of an authorized public exhibition, brings any weapon that may otherwise be lawfully possessed, into a gun show conducted pursuant to Sections 12071.1 and 12071.4.

(c) As used in this section, “state or local public building” means a building that meets all of the following criteria:

(1) It is a building or part of a building owned or leased by the state or local government, if state or local public employees are regularly present for the purposes of performing their official duties. A state or local public building includes, but is not limited to, a building that contains a courtroom.

(2) It is not a building or facility, or a part thereof, that is referred to in Section 171c, 171d, 626.9, 626.95, or 626.10 of this code, or in Section 18544 of the Elections Code.

(3) It is a building not regularly used, and not intended to be used, by state or local employees as a place of residence.

SEC. 7. Section 171.5 of the Penal Code is amended to read:
171.5. (a) For purposes of this section:

(1) “Airport” means an airport, with a secured area, that regularly serves an air carrier holding a certificate issued by the United States Secretary of Transportation.

(2) “Sterile area” means a portion of an airport defined in the airport security program to which access generally is controlled through the screening of persons and property, as specified in Section 1540.5 of Title 49 of the Code of Federal Regulations.

1 (b) It is unlawful for any person to knowingly possess within
2 any sterile area of an airport, any of the items listed in subdivision
3 (c).

4 (c) The following items are unlawful to possess as provided in
5 subdivision (b):

6 (1) Any firearm.

7 (2) Any knife with a blade length in excess of four inches, the
8 blade of which is fixed, or is capable of being fixed, in an
9 unguarded position by the use of one or two hands.

10 (3) Any box cutter or straight razor.

11 (4) Any metal military practice hand grenade.

12 (5) Any metal replica hand grenade.

13 (6) Any plastic replica hand grenade.

14 (7) Any imitation firearm as defined in Section 417.4.

15 (8) Any frame, receiver, barrel, or magazine of a firearm.

16 (9) Any unauthorized tear gas weapon.

17 (10) Any taser or stun gun, as defined in Section 244.5.

18 (11) Any instrument that expels a metallic projectile, such as a
19 BB or pellet, through the force of air pressure, CO₂ pressure, or
20 spring action, or any spot marker gun or paint gun.

21 (12) Any ammunition as defined in Section 12316.

22 (d) Subdivision (b) shall not apply to, or affect, any of the
23 following:

24 (1) A duly appointed peace officer, as defined in Chapter 4.5
25 (commencing with Section 830) of Title 3 of Part 2, a retired peace
26 officer with authorization to carry *a concealed weapons handgun*
27 as described in subdivision (a) of Section 12027, a full-time paid
28 peace officer of another state or the federal government who is
29 carrying out official duties while in California, or any person
30 summoned by any of these officers to assist in making arrests or
31 preserving the peace while he or she is actually engaged in
32 assisting the officer.

33 (2) A person who has authorization to possess a weapon
34 specified in subdivision (c), granted in writing by an airport
35 security coordinator who is designated as specified in Section
36 1542.3 of Title 49 of the Code of Federal Regulations, and who is
37 responsible for the security of the airport.

38 (e) A violation of this section is punishable by imprisonment in
39 a county jail for a period not exceeding six months, or by a fine not

1 exceeding one thousand dollars (\$1,000), or by both that fine and
2 imprisonment.

3 (f) The provisions of this section are cumulative, and shall not
4 be construed as restricting the application of any other law.
5 However, an act or omission that is punishable in different ways
6 by this and any other provision of law shall not be punished under
7 more than one provision.

8 (g) Nothing in this section is intended to affect existing state or
9 federal law regarding the transportation of firearms on airplanes
10 in checked luggage, or the possession of the items listed in
11 subdivision (c) in areas that are not “sterile areas.”

12 *SEC. 8. Section 626.9 of the Penal Code is amended to read:*

13 626.9. (a) This section shall be known, and may be cited, as
14 the Gun-Free School Zone Act of 1995.

15 (b) Any person who possesses a firearm in a place that the
16 person knows, or reasonably should know, is a school zone, as
17 defined in paragraph (1) of subdivision (e), unless it is with the
18 written permission of the school district superintendent, his or her
19 designee, or equivalent school authority, shall be punished as
20 specified in subdivision (f).

21 (c) Subdivision (b) does not apply to the possession of a firearm
22 under any of the following circumstances:

23 (1) Within a place of residence or place of business or on
24 private property, if the place of residence, place of business, or
25 private property is not part of the school grounds and the
26 possession of the firearm is otherwise lawful.

27 (2) When the firearm is an unloaded pistol, revolver, or other
28 firearm capable of being concealed on the person and is in a locked
29 container or within the locked trunk of a motor vehicle.

30 This section does not prohibit or limit the otherwise lawful
31 transportation of any other firearm, other than a pistol, revolver,
32 or other firearm capable of being concealed on the person, in
33 accordance with state law.

34 (3) When the person possessing the firearm reasonably
35 believes that he or she is in grave danger because of circumstances
36 forming the basis of a current restraining order issued by a court
37 against another person or persons who has or have been found to
38 pose a threat to his or her life or safety. This subdivision may not
39 apply when the circumstances involve a mutual restraining order
40 issued pursuant to Division 10 (commencing with Section 6200)

1 of the Family Code absent a factual finding of a specific threat to
2 the person's life or safety. Upon a trial for violating subdivision
3 (b), the trier of a fact shall determine whether the defendant was
4 acting out of a reasonable belief that he or she was in grave danger.

5 (4) When the person is exempt from the prohibition against
6 carrying a ~~concealed firearm~~ *handgun* pursuant to subdivision (b),
7 (d), (e), or (h) of Section 12027.

8 (d) Except as provided in subdivision (b), it shall be unlawful
9 for any person, with reckless disregard for the safety of another,
10 to discharge, or attempt to discharge, a firearm in a school zone,
11 as defined in paragraph (1) of subdivision (e).

12 The prohibition contained in this subdivision does not apply to
13 the discharge of a firearm to the extent that the conditions of
14 paragraph (1) of subdivision (c) are satisfied.

15 (e) As used in this section, the following definitions shall
16 apply:

17 (1) "School zone" means an area in, or on the grounds of, a
18 public or private school providing instruction in kindergarten or
19 grades 1 to 12, inclusive, or within a distance of 1,000 feet from
20 the grounds of the public or private school.

21 (2) "Firearm" has the same meaning as that term is given in
22 Section 12001.

23 (3) "Locked container" has the same meaning as that term is
24 given in subdivision (c) of Section 12026.1.

25 ~~(4) "Concealed firearm" has the same meaning as that term is~~
26 ~~given in Sections 12025 and 12026.1.~~

27 (f) (1) Any person who violates subdivision (b) by possessing
28 a firearm in, or on the grounds of, a public or private school
29 providing instruction in kindergarten or grades 1 to 12, inclusive,
30 shall be punished by imprisonment in the state prison for two,
31 three, or five years.

32 (2) Any person who violates subdivision (b) by possessing a
33 firearm within a distance of 1,000 feet from the grounds of a public
34 or private school providing instruction in kindergarten or grades
35 1 to 12, inclusive, shall be punished as follows:

36 (A) By imprisonment in the state prison for two, three, or five
37 years, if any of the following circumstances apply:

38 (i) If the person previously has been convicted of any felony,
39 or of any crime made punishable by Chapter 1 (commencing with
40 Section 12000) of Title 2 of Part 4.

1 (ii) If the person is within a class of persons prohibited from
2 possessing or acquiring a firearm pursuant to Section 12021 or
3 12021.1 of this code or Section 8100 or 8103 of the Welfare and
4 Institutions Code.

5 (iii) If the firearm is any pistol, revolver, or other firearm
6 capable of being concealed upon the person and the offense is
7 punished as a felony pursuant to Section 12025.

8 (B) By imprisonment in a county jail for not more than one year
9 or by imprisonment in the state prison for two, three, or five years,
10 in all cases other than those specified in subparagraph (A).

11 (3) Any person who violates subdivision (d) shall be punished
12 by imprisonment in the state prison for three, five, or seven years.

13 (g) (1) Every person convicted under this section for a
14 misdemeanor violation of subdivision (b) who has been convicted
15 previously of a misdemeanor offense enumerated in Section
16 12001.6 shall be punished by imprisonment in a county jail for not
17 less than three months, or if probation is granted or if the execution
18 or imposition of sentence is suspended, it shall be a condition
19 thereof that he or she be imprisoned in a county jail for not less than
20 three months.

21 (2) Every person convicted under this section of a felony
22 violation of subdivision (b) or (d) who has been convicted
23 previously of a misdemeanor offense enumerated in Section
24 12001.6, if probation is granted or if the execution of sentence is
25 suspended, it shall be a condition thereof that he or she be
26 imprisoned in a county jail for not less than three months.

27 (3) Every person convicted under this section for a felony
28 violation of subdivision (b) or (d) who has been convicted
29 previously of any felony, or of any crime made punishable by
30 Chapter 1 (commencing with Section 12000) of Title 2 of Part 4,
31 if probation is granted or if the execution or imposition of sentence
32 is suspended, it shall be a condition thereof that he or she be
33 imprisoned in a county jail for not less than three months.

34 (4) The court shall apply the three-month minimum sentence
35 specified in this subdivision, except in unusual cases where the
36 interests of justice would best be served by granting probation or
37 suspending the execution or imposition of sentence without the
38 minimum imprisonment required in this subdivision or by
39 granting probation or suspending the execution or imposition of
40 sentence with conditions other than those set forth in this

1 subdivision, in which case the court shall specify on the record and
2 shall enter on the minutes the circumstances indicating that the
3 interests of justice would best be served by this disposition.

4 (h) Notwithstanding Section 12026, any person who brings or
5 possesses a loaded firearm upon the grounds of a campus of, or
6 buildings owned or operated for student housing, teaching,
7 research, or administration by, a public or private university or
8 college, that are contiguous or are clearly marked university
9 property, unless it is with the written permission of the university
10 or college president, his or her designee, or equivalent university
11 or college authority, shall be punished by imprisonment in the state
12 prison for two, three, or four years. Notwithstanding subdivision
13 (k), a university or college shall post a prominent notice at primary
14 entrances on noncontiguous property stating that firearms are
15 prohibited on that property pursuant to this subdivision.

16 (i) Notwithstanding Section 12026, any person who brings or
17 possesses a firearm upon the grounds of a campus of, or buildings
18 owned or operated for student housing, teaching, research, or
19 administration by, a public or private university or college, that are
20 contiguous or are clearly marked university property, unless it is
21 with the written permission of the university or college president,
22 his or her designee, or equivalent university or college authority,
23 shall be punished by imprisonment in the state prison for one, two,
24 or three years. Notwithstanding subdivision (k), a university or
25 college shall post a prominent notice at primary entrances on
26 noncontiguous property stating that firearms are prohibited on that
27 property pursuant to this subdivision.

28 (j) For purposes of this section, a firearm shall be deemed to be
29 loaded when there is an unexpended cartridge or shell, consisting
30 of a case that holds a charge of powder and a bullet or shot, in, or
31 attached in any manner to, the firearm, including, but not limited
32 to, in the firing chamber, magazine, or clip thereof attached to the
33 firearm. A muzzle-loader firearm shall be deemed to be loaded
34 when it is capped or primed and has a powder charge and ball or
35 shot in the barrel or cylinder.

36 (k) This section does not require that notice be posted regarding
37 the proscribed conduct.

38 (l) This section does not apply to a duly appointed peace officer
39 as defined in Chapter 4.5 (commencing with Section 830) of Title
40 3 of Part 2, a full-time paid peace officer of another state or the

1 federal government who is carrying out official duties while in
2 California, any person summoned by any of these officers to assist
3 in making arrests or preserving the peace while he or she is actually
4 engaged in assisting the officer, a member of the military forces of
5 this state or of the United States who is engaged in the performance
6 of his or her duties, a person holding a valid license to carry the
7 firearm pursuant to Article 3 (commencing with Section 12050)
8 of Chapter 1 of Title 2 of Part 4, or an armored vehicle guard,
9 engaged in the performance of his or her duties, as defined in
10 subdivision (e) of Section 7521 of the Business and Professions
11 Code.

12 (m) This section does not apply to a security guard authorized
13 to carry a loaded firearm pursuant to Section 12031.

14 (n) This section does not apply to an existing shooting range at
15 a public or private school or university or college campus.

16 (o) This section does not apply to an honorably retired peace
17 officer authorized to carry a concealed or loaded firearm pursuant
18 to subdivision (a) or (i) of Section 12027 or paragraph (1) or (8)
19 of subdivision (b) of Section 12031.

20 *SEC. 9.* Section 12025 of the Penal Code is amended to read:

21 12025. (a) A person is guilty of unlawful carrying of a
22 handgun when he or she does any of the following:

23 (1) Carries within any vehicle which is under his or her control
24 or direction any handgun.

25 (2) Carries concealed upon his or her person any handgun.

26 (3) Causes to be carried within any vehicle in which he or she
27 is an occupant any handgun.

28 (4) Carries upon his or her person any handgun upon the public
29 streets of an incorporated city or city and county.

30 (b) Unlawful carrying of a handgun in violation of this section
31 is punishable, as follows:

32 (1) Where the person previously has been convicted of any
33 felony, or of any crime made punishable by this chapter, as a
34 felony.

35 (2) Where the firearm is stolen and the person knew or had
36 reasonable cause to believe that it was stolen, as a felony.

37 (3) Where the person is an active participant in a criminal street
38 gang, as defined in subdivision (a) of Section 186.22, under the
39 Street Terrorism Enforcement and Prevention Act (Chapter 11

1 (commencing with Section 186.20) of Title 7 of Part 1), as a
2 felony.

3 (4) Where the person is not in lawful possession of the firearm,
4 as defined in this section, or the person is within a class of persons
5 prohibited from possessing or acquiring a firearm pursuant to
6 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
7 the Welfare and Institutions Code, as a felony.

8 (5) Where the person has been convicted of a crime against a
9 person or property, or of a narcotics or dangerous drug violation,
10 by imprisonment in the state prison, or by imprisonment in a
11 county jail not to exceed one year, by a fine not to exceed one
12 thousand dollars (\$1,000), or by both that imprisonment and fine.

13 (6) By imprisonment in the state prison, or by imprisonment in
14 a county jail not to exceed one year, by a fine not to exceed one
15 thousand dollars (\$1,000), or by both that fine and imprisonment
16 if both of the following conditions are met:

17 (A) Both the handgun and the unexpended ammunition capable
18 of being discharged from that firearm are either in the immediate
19 possession of the person or readily accessible to that person, or the
20 handgun is loaded as defined in subdivision (g) of Section 12031.

21 (B) The person is not listed with the Department of Justice
22 pursuant to paragraph (1) of subdivision (c) of Section 11106, as
23 the registered owner of that pistol, revolver, or other firearm
24 capable of being concealed upon the person.

25 (7) In all cases other than those specified in paragraphs (1) to
26 (6), inclusive, by imprisonment in a county jail not to exceed one
27 year, by a fine not to exceed one thousand dollars (\$1,000), or by
28 both that imprisonment and fine.

29 (c) A peace officer may arrest a person for a violation of
30 paragraph (6) of subdivision (b) if the peace officer has probable
31 cause to believe that the person is not listed with the Department
32 of Justice pursuant to paragraph (1) of subdivision (c) of Section
33 11106 as the registered owner of the handgun, and one or more of
34 the conditions in subparagraph (A) of paragraph (6) of subdivision
35 (b) is met.

36 (d) (1) Every person convicted under this section who
37 previously has been convicted of a misdemeanor offense
38 enumerated in Section 12001.6 shall be punished by imprisonment
39 in a county jail for at least three months and not exceeding six
40 months, or, if granted probation, or if the execution or imposition

1 of sentence is suspended, it shall be a condition thereof that he or
2 she be imprisoned in a county jail for at least three months.

3 (2) Every person convicted under this section who has
4 previously been convicted of any felony, or of any crime made
5 punishable by this chapter, if probation is granted, or if the
6 execution or imposition of sentence is suspended, it shall be a
7 condition thereof that he or she be imprisoned in a county jail for
8 not less than three months.

9 (e) The court shall apply the three-month minimum sentence as
10 specified in subdivision (d), except in unusual cases where the
11 interests of justice would best be served by granting probation or
12 suspending the imposition or execution of sentence without the
13 minimum imprisonment required in subdivision (d) or by granting
14 probation or suspending the imposition or execution of sentence
15 with conditions other than those set forth in subdivision (d), in
16 which case, the court shall specify on the record and shall enter on
17 the minutes the circumstances indicating that the interests of
18 justice would best be served by that disposition.

19 (f) Firearms carried openly in belt holsters are not concealed
20 within the meaning of this section.

21 (g) For purposes of this section, “lawful possession of the
22 firearm” means that the person who has possession or custody of
23 the firearm either lawfully owns the firearm or has the permission
24 of the lawful owner or a person who otherwise has apparent
25 authority to possess or have custody of the firearm. A person who
26 takes a firearm without the permission of the lawful owner or
27 without the permission of a person who has lawful custody of the
28 firearm does not have lawful possession of the firearm.

29 (h) (1) The district attorney of each county shall submit
30 annually a report on or before June 30, to the Attorney General
31 consisting of profiles by race, age, gender, and ethnicity of any
32 person charged with a felony or a misdemeanor under this section
33 and any other offense charged in the same complaint, indictment,
34 or information.

35 (2) The Attorney General shall submit annually, a report on or
36 before December 31, to the Legislature compiling all of the reports
37 submitted pursuant to paragraph (1).

38 (3) This subdivision shall remain operative until January 1,
39 2005, and as of that date shall be repealed.

(i) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by this section and other provisions of law shall not be punished under more than one provision.

~~SEC. 2.~~

SEC. 10. Section 12026.2 of the Penal Code is amended to read:

12026.2. (a) Section 12025 does not apply to, or affect, any of the following:

(1) The possession of a firearm by an authorized participant in a motion picture, television, or video production or entertainment event when the participant lawfully uses the firearm as part of that production or event or while going directly to, or coming directly from, that production or event.

(2) The possession of a firearm in a locked container by a member of any club or organization, organized for the purpose of lawfully collecting and lawfully displaying pistols, revolvers, or other firearms, while the member is at meetings of the clubs or organizations or while going directly to, and coming directly from, those meetings.

(3) The transportation of a firearm by a participant when going directly to, or coming directly from, a recognized safety or hunter safety class, or a recognized sporting event involving that firearm.

(4) The transportation of a firearm by a person listed in Section 12026 directly between any of the places mentioned in Section 12026.

(5) The transportation of a firearm by a person when going directly to, or coming directly from, a fixed place of business or private residential property for the purpose of the lawful repair or the lawful transfer, sale, or loan of that firearm.

(6) The transportation of a firearm by a person listed in Section 12026, or by a person to whom the firearm was returned by operation of law, when going directly from the place where that person lawfully received that firearm to that person's place of residence or place of business or to private property owned or lawfully possessed by that person.

(7) The transportation of a firearm by a person when going directly to, or coming directly from, a gun show, swap meet, or

1 similar event to which the public is invited, for the purpose of
2 displaying that firearm in a lawful manner.

3 (8) The transportation of a firearm by an authorized employee
4 or agent of a supplier of firearms when going directly to, or coming
5 directly from, a motion picture, television, or video production or
6 entertainment event for the purpose of providing that firearm to an
7 authorized participant to lawfully use as a part of that production
8 or event.

9 (9) The transportation of a firearm by a person when going
10 directly to, or coming directly from, a target range, which holds a
11 regulatory or business license, for the purposes of practicing
12 shooting at targets with that firearm at that target range.

13 (10) The transportation of a firearm by a person when going
14 directly to, or coming directly from, a place designated by a person
15 authorized to issue licenses pursuant to Section 12050 when done
16 at the request of the issuing agency so that the issuing agency can
17 determine whether or not a license should be issued to that person
18 to carry that firearm.

19 (11) The transportation of a firearm by a person when going
20 directly to, or coming directly from, a law enforcement agency for
21 the purpose of a lawful transfer, sale, or loan of that firearm
22 pursuant to Section 12084.

23 (12) The transportation of a firearm by a person when going
24 directly to, or coming directly from, a lawful camping activity for
25 the purpose of having that firearm available for lawful personal
26 protection while at the lawful campsite. This paragraph shall not
27 be construed to override the statutory authority granted to the
28 Department of Parks and Recreation or any other state or local
29 governmental agencies to promulgate rules and regulations
30 governing the administration of parks and campgrounds.

31 (13) The transportation of a firearm by a person in order to
32 comply with subdivision (c) or (i) of Section 12078 as it pertains
33 to that firearm.

34 (14) The transportation of a firearm by a person in order to
35 utilize subdivision (l) of Section 12078 as it pertains to that
36 firearm.

37 (15) The transportation of a firearm by a person when going
38 directly to, or coming directly from, a gun show or event, as
39 defined in Section 178.100 of Title 27 of the Code of Federal
40 Regulations, for the purpose of lawfully transferring, selling, or

1 loaning that firearm in accordance with subdivision (d) of Section
2 12072.

3 (16) The transportation of a firearm by a person in order to
4 utilize paragraph (3) of subdivision (a) of Section 12078 as it
5 pertains to that firearm.

6 (17) The transportation of a firearm by a person who finds the
7 firearm in order to comply with Article 1 (commencing with
8 Section 2080) of Chapter 4 of Division 3 of the Civil Code as it
9 pertains to that firearm and if that firearm is being transported to
10 a law enforcement agency, the person gives prior notice to the law
11 enforcement agency that he or she is transporting the firearm to the
12 law enforcement agency.

13 (18) The transportation of a firearm by a person who finds the
14 firearm and is transporting it to a law enforcement agency for
15 disposition according to law, if he or she gives prior notice to the
16 law enforcement agency that he or she is transporting the firearm
17 to the law enforcement agency for disposition according to law.

18 (19) The transportation of a firearm by a person in order to
19 comply with paragraph (2) of subdivision (f) of Section 12072 as
20 it pertains to that firearm.

21 (20) The transportation of a firearm by a person in order to
22 comply with paragraph (3) of subdivision (f) of Section 12072 as
23 it pertains to that firearm.

24 (21) The transportation of a firearm by a person for the purpose
25 of obtaining an identification number or mark assigned for that
26 firearm from the Department of Justice pursuant to Section 12092.

27 (22) The transportation of a firearm in an exposed manner by
28 a member of an organization chartered by the Congress of the
29 United States of America or a nonprofit mutual or public benefit
30 corporation organized and recognized as a nonprofit tax-exempt
31 organization by the Internal Revenue Service going directly to, or
32 coming directly from, official parade duty or ceremonial
33 occasions of that organization.

34 (b) In order for a firearm to be exempted under subdivision (a),
35 while being transported to or from a place, the firearm shall be
36 unloaded, kept in a locked container, as defined in subdivision (d),
37 and the course of travel shall include only those deviations
38 between authorized locations as are reasonably necessary under
39 the circumstances.



(c) This section does not prohibit or limit the otherwise lawful carrying or transportation of any pistol, revolver, or other firearm capable of being concealed upon the person in accordance with this chapter.

(d) As used in this section, “locked container” means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. The term “locked container” does not include the utility or glove compartment of a motor vehicle.

~~SEC. 3.~~

SEC. 11. Section 12027 of the Penal Code is amended to read:
12027. Section 12025 does not apply to, or affect, any of the following:

(a) (1) (A) Any peace officer, listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, whether active or honorably retired, other duly appointed peace officers, honorably retired peace officers listed in subdivision (c) of Section 830.5, other honorably retired peace officers who during the course and scope of their employment as peace officers were authorized to, and did, carry firearms, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting that officer. Any peace officer described in this paragraph who has been honorably retired shall be issued an identification certificate by the law enforcement agency from which the officer has retired. The issuing agency may charge a fee necessary to cover any reasonable expenses incurred by the agency in issuing certificates pursuant to this subdivision. As used in this section and Section 12031, the term “honorably retired” includes all peace officers who have qualified for, and have accepted, a service or disability retirement. For purposes of this section and Section 12031, the term “honorably retired” does not include an officer who has agreed to a service retirement in lieu of termination.

(B) Any officer, except an officer listed in Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of Section 830.5 who retired prior to January 1, 1981, shall have an endorsement on the identification certificate stating that the

1 issuing agency approves the officer's carrying of a concealed
2 firearm.

3 (C) No endorsement or renewal endorsement issued pursuant
4 to paragraph (2) shall be effective unless it is in the format set forth
5 in subparagraph (D), except that any peace officer listed in
6 subdivision (f) of Section 830.2 or in subdivision (c) of Section
7 830.5, who is retired between January 2, 1981, and on or before
8 December 31, 1988, and who is authorized to carry a concealed
9 firearm pursuant to this section, shall not be required to have an
10 endorsement in the format set forth in subparagraph (D) until the
11 time of the issuance, on or after January 1, 1989, of a renewal
12 endorsement pursuant to paragraph (2).

13 (D) A certificate issued pursuant to this paragraph for persons
14 who are not listed in Section 830.1 or 830.2, subdivision (a) of
15 Section 830.33, or subdivision (c) of Section 830.5 or for persons
16 retiring after January 1, 1981, shall be in the following format: it
17 shall be on a 2 × 3 inch card, bear the photograph of the retiree, the
18 retiree's name, address, date of birth, the date that the retiree
19 retired, name and address of the agency from which the retiree
20 retired, have stamped on it the endorsement "CCW Approved"
21 and the date the endorsement is to be renewed.

22 (E) For purposes of this section and Section 12031, "CCW"
23 means "carry concealed weapons."

24 (2) A retired peace officer, except an officer listed in Section
25 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision
26 (c) of Section 830.5 who retired prior to January 1, 1981, shall
27 petition the issuing agency for the renewal of his or her privilege
28 to carry a concealed firearm every five years. An honorably retired
29 peace officer listed in Section 830.1 or 830.2, subdivision (a) of
30 Section 830.33, or subdivision (c) of Section 830.5 who retired
31 prior to January 1, 1981, shall not be required to obtain an
32 endorsement from the issuing agency to carry a concealed firearm.
33 The agency from which a peace officer is honorably retired may,
34 upon initial retirement of that peace officer, or at any time
35 subsequent thereto, deny or revoke for good cause the retired
36 officer's privilege to carry a concealed firearm. A peace officer
37 who is listed in Section 830.1 or 830.2, subdivision (a) of Section
38 830.33, or subdivision (c) of Section 830.5 who retired prior to
39 January 1, 1981, shall have his or her privilege to carry a concealed
40 firearm denied or revoked by having the agency from which the

1 officer retired stamp on the officer's identification certificate "No
2 CCW privilege."

3 (3) An honorably retired peace officer who is listed in
4 subdivision (c) of Section 830.5 and authorized to carry concealed
5 firearms by this subdivision shall meet the training requirements
6 of Section 832 and shall qualify with the firearm at least annually.
7 The individual retired peace officer shall be responsible for
8 maintaining his or her eligibility to carry a concealed firearm. The
9 Department of Justice shall provide subsequent arrest notification
10 pursuant to Section 11105.2 regarding honorably retired peace
11 officers listed in subdivision (c) of Section 830.5 to the agency
12 from which the officer has retired.

13 (b) The possession or transportation of unloaded pistols,
14 revolvers, or other firearms capable of being concealed upon the
15 person as merchandise by a person who is engaged in the business
16 of manufacturing, importing, wholesaling, repairing, or dealing in
17 firearms and who is licensed to engage in that business or the
18 authorized representative or authorized agent of that person while
19 engaged in the lawful course of the business.

20 (c) Members of the Army, Navy, Air Force, Coast Guard, or
21 Marine Corps of the United States, or the National Guard, when
22 on duty, or organizations which are by law authorized to purchase
23 or receive those weapons from the United States or this state.

24 (d) The carrying of unloaded pistols, revolvers, or other
25 firearms capable of being concealed upon the person by duly
26 authorized military or civil organizations while parading, or the
27 members thereof when going to and from the places of meeting of
28 their respective organizations.

29 (e) Guards or messengers of common carriers, banks, and other
30 financial institutions while actually employed in and about the
31 shipment, transportation, or delivery of any money, treasure,
32 bullion, bonds, or other thing of value within this state.

33 (f) Members of any club or organization organized for the
34 purpose of practicing shooting at targets upon established target
35 ranges, whether public or private, while the members are using
36 pistols, revolvers, or other firearms capable of being concealed
37 upon the person upon the target ranges, or transporting these
38 firearms unloaded when going to and from the ranges.

39 (g) Licensed hunters or fishermen carrying pistols, revolvers,
40 or other firearms capable of being concealed upon the person while

1 engaged in hunting or fishing, or transporting those firearms
2 unloaded when going to or returning from the hunting or fishing
3 expedition.

4 (h) Transportation of unloaded firearms by a person operating
5 a licensed common carrier or an authorized agent or employee
6 thereof when transported in conformance with applicable federal
7 law.

8 (i) Upon approval of the sheriff of the county in which they
9 reside, honorably retired federal officers or agents of federal law
10 enforcement agencies, including, but not limited to, the Federal
11 Bureau of Investigation, the Secret Service, the United States
12 Customs Service, the Federal Bureau of Alcohol, Tobacco, and
13 Firearms, the Federal Bureau of Narcotics, the Drug Enforcement
14 Administration, the United States Border Patrol, and officers or
15 agents of the Internal Revenue Service who were authorized to
16 carry weapons while on duty, who were assigned to duty within the
17 state for a period of not less than one year, or who retired from
18 active service in the state.

19 Retired federal officers or agents shall provide the sheriff with
20 certification from the agency from which they retired certifying
21 their service in the state, the nature of their retirement, and
22 indicating the agency's concurrence that the retired federal officer
23 or agent should be accorded the privilege of carrying a concealed
24 firearm.

25 Upon that approval, the sheriff shall issue a permit to the retired
26 federal officer or agent indicating that he or she may carry a
27 concealed firearm in accordance with this subdivision. The permit
28 shall be valid for a period not exceeding five years, shall be carried
29 by the retiree while carrying a concealed firearm, and may be
30 revoked for good cause.

31 The sheriff of the county in which the retired federal officer or
32 agent resides may require recertification prior to a permit renewal,
33 and may suspend the privilege for cause. The sheriff may charge
34 a fee necessary to cover any reasonable expenses incurred by the
35 county.

36 (j) The carrying of a pistol, revolver, or other firearm capable
37 of being concealed upon the person by a person who is authorized
38 to carry that handgun in that manner pursuant to Article 3
39 (commencing with Section 12050).



(k) The carrying in an exposed manner whether on or about the person or in a vehicle, loaded or unloaded, a handgun by a person authorized to carry a loaded firearm pursuant to paragraph (7) of subdivision (b) or subdivision (c), (d), (h), (k), or (l) of Section 12031.

(l) Carrying in an exposed manner an unloaded handgun by a member of an organization chartered by the Congress of the United States of America or a nonprofit mutual or public benefit corporation organized and recognized as a nonprofit tax-exempt organization by the Internal Revenue Service going directly to, or coming directly from, official parade duty or ceremonial occasions of that organization.

(m) Carrying in an exposed manner an unloaded handgun while within a gun show conducted pursuant to Sections 12071.1 and 12071.4.

(n) Carrying in an exposed manner an unloaded handgun within a school zone, as defined in Section 626.9, with the written permission of the school district superintendent, his or her designee, or equivalent school authority.

(o) Carrying in an exposed manner a handgun that is an antique firearm as defined in paragraph (16) or subsection (a) of Section 921 of Title 18 of the United States Code.

SEC. 4.

SEC. 12. Section 12028 of the Penal Code is amended to read:

12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any explosive substance, other than fixed ammunition, dirk, or dagger, as provided in Section 12020, the unlawful ~~concealed~~ carrying upon the person or within the vehicle of the carrier of any ~~weapons~~ *handgun* in violation of Section 12025, and the unlawful possession or carrying of any item in violation of Section 653k is a nuisance.

(b) (1) Except as provided in paragraph (2), a firearm of any nature owned or possessed in violation of Section 12021, 12021.1, or 12101 or used in the commission of any misdemeanor as provided in this code, any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant or upon a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, a nuisance. A finding that the defendant was

1 guilty of the offense but was insane at the time the offense was
2 committed is a conviction for the purposes of this section.

3 (2) A firearm is not a nuisance pursuant to this subdivision if
4 the firearm owner disposes of his or her firearm pursuant to
5 paragraph (2) of subdivision (d) of Section 12021.

6 (c) Any weapon described in subdivision (a), or, upon
7 conviction of the defendant or upon a juvenile court finding that
8 an offense which would be a misdemeanor or felony if committed
9 by an adult was committed or attempted by the juvenile with the
10 use of a firearm, any weapon described in subdivision (b) shall be
11 surrendered to the sheriff of a county or the chief of police or other
12 head of a municipal police department of any city or city and
13 county or the chief of police of any campus of the University of
14 California or the California State University or the Commissioner
15 of the California Highway Patrol. For purposes of this subdivision,
16 the Commissioner of the California Highway Patrol shall receive
17 only weapons that were confiscated by a member of the California
18 Highway Patrol. The officers to whom the weapons are
19 surrendered, except upon the certificate of a judge of a court of
20 record, or of the district attorney of the county, that the retention
21 thereof is necessary or proper to the ends of justice, may annually,
22 between the 1st and 10th days of July, in each year, offer the
23 weapons, which the officers in charge of them consider to have
24 value with respect to sporting, recreational, or collection purposes,
25 for sale at public auction to persons licensed pursuant to Section
26 12071 to engage in businesses involving any weapon purchased.
27 If any weapon has been stolen and is thereafter recovered from the
28 thief or his or her transferee, or is used in such a manner as to
29 constitute a nuisance pursuant to subdivision (a) or (b) without the
30 prior knowledge of its lawful owner that it would be so used, it
31 shall not be so offered for sale but shall be restored to the lawful
32 owner, as soon as its use as evidence has been served, upon his or
33 her identification of the weapon and proof of ownership.

34 (d) If, under this section, a weapon is not of the type that can
35 be sold to the public, generally, or is not sold pursuant to
36 subdivision (c), the weapon, in the month of July, next succeeding,
37 or sooner, if necessary to conserve local resources including space
38 and utilization of personnel who maintain files and security of
39 those weapons, shall be destroyed so that it can no longer be used
40 as such a weapon except upon the certificate of a judge of a court

1 of record, or of the district attorney of the county, that the retention
2 of it is necessary or proper to the ends of justice.

3 (e) This section does not apply to any firearm in the possession
4 of the Department of Fish and Game or which was used in the
5 violation of any provision of the Fish and Game Code or any
6 regulation adopted pursuant thereto, or which is forfeited pursuant
7 to Section 5008.6 of the Public Resources Code.

8 (f) No stolen weapon shall be sold or destroyed pursuant to
9 subdivision (c) or (d) unless reasonable notice is given to its lawful
10 owner, if his or her identity and address can be reasonably
11 ascertained.

12 *SEC. 13.* Section 12050 of the Penal Code is amended to read:

13 12050. (a) (1) (A) The sheriff of a county, upon proof that
14 the person applying is of good moral character, that good cause
15 exists for the issuance, and that the person applying satisfies any
16 one of the conditions specified in subparagraph (D) and has
17 completed a course of training as described in subparagraph (E),
18 may issue to that person a license to carry a handgun in one of the
19 following formats:

20 (i) A license to carry concealed a handgun.

21 (ii) Where the population of the county is less than 200,000
22 persons according to the most recent federal decennial census, a
23 license to carry loaded and exposed in that county a pistol,
24 revolver, or other firearm capable of being concealed upon the
25 person.

26 (iii) A license to carry in that county, a handgun that is unloaded
27 and exposed.

28 (B) The chief or other head of a municipal police department
29 of any city or city and county, upon proof that the person applying
30 is of good moral character, that good cause exists for the issuance,
31 and that the person applying is a resident of that city and has
32 completed a course of training as described in subparagraph (E),
33 may issue to that person a license to carry a handgun in one of the
34 following formats:

35 (i) A license to carry concealed a handgun.

36 (ii) Where the population of the county in which the city is
37 located is less than 200,000 persons according to the most recent
38 federal decennial census, a license to carry loaded and exposed in
39 that county a pistol, revolver, or other firearm capable of being
40 concealed upon the person.

1 (iii) A license to carry in that city, a handgun that is unloaded
2 and exposed.

3 (C) The sheriff of a county or the chief or other head of a
4 municipal police department of any city or city and county, upon
5 proof that the person applying is of good moral character, that good
6 cause exists for the issuance, and that the person applying is a
7 person who has been deputized or appointed as a peace officer
8 pursuant to subdivision (a) or (b) of Section 830.6 by that sheriff
9 or that chief of police or other head of a municipal police
10 department, may issue to that person a license to carry concealed
11 a handgun. Direct or indirect fees for the issuance of a license
12 pursuant to this subparagraph may be waived. The fact that an
13 applicant for a license to carry a handgun has been deputized or
14 appointed as a peace officer pursuant to subdivision (a) or (b) of
15 Section 830.6 shall be considered only for the purpose of issuing
16 a license pursuant to this subparagraph, and shall not be considered
17 for the purpose of issuing a license pursuant to subparagraph (A)
18 or (B).

19 (D) For the purpose of subparagraph (A), the applicant shall
20 satisfy any one of the following:

21 (i) Is a resident of the county or a city within the county.

22 (ii) Spends a substantial period of time in the applicant's
23 principal place of employment or business in the county or a city
24 within the county.

25 (E) (i) For new license applicants, the course of training may
26 be any course acceptable to the licensing authority, shall not
27 exceed 16 hours, and shall include instruction on at least firearm
28 safety and the law regarding the permissible use of a firearm.
29 Notwithstanding this clause, the licensing authority may require
30 a community college course certified by the Commission on Peace
31 Officer Standards and Training, up to a maximum of 24 hours, but
32 only if required uniformly of all license applicants without
33 exception.

34 (ii) For license renewal applicants, the course of training may
35 be any course acceptable to the licensing authority, shall be no less
36 than four hours, and shall include instruction on at least firearm
37 safety and the law regarding the permissible use of a firearm. No
38 course of training shall be required for any person certified by the
39 licensing authority as a trainer for purposes of this subparagraph,

1 in order for that person to renew a license issued pursuant to this
2 section.

3 (2) (A) (i) Except as otherwise provided in clauses (ii) and
4 (iii), subparagraphs (C) and (D) of this paragraph, and
5 subparagraph (B) of paragraph (4) of subdivision (f), a license
6 issued pursuant to subparagraph (A) or (B) of paragraph (1) is
7 valid for any period of time not to exceed two years from the date
8 of the license.

9 (ii) If the licensee's place of employment or business was the
10 basis for issuance of the license pursuant to subparagraph (A) of
11 paragraph (1), the license is valid for any period of time not to
12 exceed 90 days from the date of the license. The license shall be
13 valid only in the county in which the license was originally issued.
14 The licensee shall give a copy of this license to the licensing
15 authority of the city, county, or city and county in which he or she
16 resides. The licensing authority that originally issued the license
17 shall inform the licensee verbally and in writing in at least 16-point
18 type of this obligation to give a copy of the license to the licensing
19 authority of the city, county, or city and county of residence. Any
20 application to renew or extend the validity of, or reissue, the
21 license may be granted only upon the concurrence of the licensing
22 authority that originally issued the license and the licensing
23 authority of the city, county, or city and county in which the
24 licensee resides.

25 (iii) If the license was issued pursuant to either clause (iii) of
26 subparagraph (A) of paragraph (1) or clause (iii) of subparagraph
27 (B) of paragraph (1), the license is valid for any period of time not
28 to exceed 90 days.

29 (B) A license issued pursuant to subparagraph (C) of paragraph
30 (1) to a peace officer appointed pursuant to Section 830.6 is valid
31 for any period of time not to exceed four years from the date of the
32 license, except that the license shall be invalid upon the conclusion
33 of the person's appointment pursuant to Section 830.6 if the
34 four-year period has not otherwise expired or any other condition
35 imposed pursuant to this section does not limit the validity of the
36 license to a shorter time period.

37 (C) A license issued pursuant to subparagraph (A) or (B) of
38 paragraph (1) is valid for any period of time not to exceed three
39 years from the date of the license if the license is issued to any of
40 the following individuals:

1 (i) A judge of a California court of record.

2 (ii) A full-time court commissioner of a California court of
3 record.

4 (iii) A judge of a federal court.

5 (iv) A magistrate of a federal court.

6 (D) A license issued pursuant to subparagraph (A) or (B) of
7 paragraph (1) is valid for any period of time not to exceed four
8 years from the date of the license if the license is issued to a
9 custodial officer who is an employee of the sheriff as provided in
10 Section 831.5, except that the license shall be invalid upon the
11 conclusion of the person's employment pursuant to Section 831.5
12 if the four-year period has not otherwise expired or any other
13 condition imposed pursuant to this section does not limit the
14 validity of the license to a shorter time period.

15 (3) For purposes of this subdivision, a city or county may be
16 considered an applicant's "principal place of employment or
17 business" only if the applicant is physically present in the
18 jurisdiction during a substantial part of his or her working hours
19 for purposes of that employment or business.

20 (b) A license may include any reasonable restrictions or
21 conditions which the issuing authority deems warranted, including
22 restrictions as to the time, place, manner, and circumstances under
23 which the person may carry a handgun.

24 (c) Any restrictions imposed pursuant to subdivision (b) shall
25 be indicated on any license issued.

26 (d) A license shall not be issued if the Department of Justice
27 determines that the person is within a prohibited class described in
28 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
29 the Welfare and Institutions Code.

30 (e) (1) The license shall be revoked by the local licensing
31 authority if at any time either the local licensing authority is
32 notified by the Department of Justice that a licensee is within a
33 prohibited class described in Section 12021 or 12021.1 of this code
34 or Section 8100 or 8103 of the Welfare and Institutions Code, or
35 the local licensing authority determines that the person is within
36 a prohibited class described in Section 12021 or 12021.1 of this
37 code or Section 8100 or 8103 of the Welfare and Institutions Code.

38 (2) If at any time the Department of Justice determines that a
39 licensee is within a prohibited class described in Section 12021 or
40 12021.1 of this code or Section 8100 or 8103 of the Welfare and

1 Institutions Code, the department shall immediately notify the
2 local licensing authority of the determination.

3 (3) If the local licensing authority revokes the license, the
4 Department of Justice shall be notified of the revocation pursuant
5 to Section 12053. The licensee shall also be immediately notified
6 of the revocation in writing.

7 (f) (1) A person issued a license pursuant to this section may
8 apply to the licensing authority for an amendment to the license to
9 do one or more of the following:

10 (A) Add or delete authority to carry a particular handgun.

11 (B) Authorize the licensee to carry concealed a handgun.

12 (C) If the population of the county is less than 200,000 persons
13 according to the most recent federal decennial census, authorize
14 the licensee to carry loaded and exposed in that county a handgun.

15 (D) Change any restrictions or conditions on the license,
16 including restrictions as to the time, place, manner, and
17 circumstances under which the person may carry a handgun.

18 (E) Authorize the licensee to carry unloaded and exposed a
19 handgun.

20 (2) When the licensee changes his or her address, the license
21 shall be amended to reflect the new address and a new license shall
22 be issued pursuant to paragraph (3).

23 (3) If the licensing authority amends the license, a new license
24 shall be issued to the licensee reflecting the amendments.

25 (4) (A) The licensee shall notify the licensing authority in
26 writing within 10 days of any change in the licensee's place of
27 residence.

28 (B) If the license is one to carry concealed a handgun, then it
29 may not be revoked solely because the licensee changes his or her
30 place of residence to another county if the licensee has not
31 breached any conditions or restrictions set forth in the license or
32 has not fallen into a prohibited class described in Section 12021 or
33 12021.1 of this code or Section 8100 or 8103 of the Welfare and
34 Institutions Code. However, any license issued pursuant to
35 subparagraph (A) or (B) of paragraph (1) of subdivision (a) shall
36 expire 90 days after the licensee moves from the county of issuance
37 if the licensee's place of residence was the basis for issuance of the
38 license.

1 (C) If the license is one to carry loaded and exposed a handgun,
2 the license shall be revoked immediately if the licensee changes his
3 or her place of residence to another county.

4 (D) If the license is issued by the sheriff of a county or the chief
5 or other head of a municipal police department of any city or a city
6 and county to carry unloaded and exposed a handgun, the license
7 shall be revoked immediately if the licensee changes his or her
8 place of residence to another county or city as applicable.

9 (5) An amendment to the license does not extend the original
10 expiration date of the license and the license shall be subject to
11 renewal at the same time as if the license had not been amended.

12 (6) An application to amend a license does not constitute an
13 application for renewal of the license.

14 (g) Nothing in this article shall preclude the chief or other head
15 of a municipal police department of any city from entering an
16 agreement with the sheriff of the county in which the city is located
17 for the sheriff to process all applications for licenses, renewals of
18 licenses, and amendments to licenses, pursuant to this article.

19 ~~SEC. 5.~~

20 *SEC. 14.* Section 12807 of the Penal Code is amended to read:

21 12807. (a) The following persons, properly identified, are
22 exempted from the handgun safety certificate requirement in
23 subdivision (b) of Section 12801:

24 (1) Any active or honorably retired peace officer, as defined in
25 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

26 (2) Any active or honorably retired federal officer or law
27 enforcement agent.

28 (3) Any reserve peace officer, as defined in Section 832.6.

29 (4) Any person who has successfully completed the course of
30 training specified in Section 832.

31 (5) A firearms dealer licensed pursuant to Section 12071, who
32 is acting in the course and scope of his or her activities as a person
33 licensed pursuant to Section 12071.

34 (6) A federally licensed collector who is acquiring or being
35 loaned a handgun that is a curio or relic, as defined in Section
36 ~~478.11~~ 478.11 of Title 27 of the Code of Federal Regulations, who
37 has a current certificate of eligibility issued to him or her by the
38 department pursuant to Section 12071.

39 (7) A person to whom a handgun is being returned, where the
40 person receiving the firearm is the owner of the firearm.

(8) A family member of a peace officer or deputy sheriff from a local agency who receives a firearm pursuant to Section 50081 of the Government Code.

(9) Any individual who has a valid license issued pursuant to Section 12050.

(10) An active, or honorably retired member of the United States Armed Forces, the National Guard, the Air National Guard, the active reserve components of the United States, where individuals in those organizations are properly identified. For purposes of this section, proper identification includes the Armed Forces Identification Card, or other written documentation certifying that the individual is an active or honorably retired member.

(11) Any person who is authorized to carry loaded firearms pursuant to subdivision (c) or (d) of Section 12031.

(12) Persons who are the holders of a special weapons permit issued by the department pursuant to Section 12095, 12230, 12250, or 12305.

(b) The following persons who take title or possession of a handgun by operation of law in a representative capacity, until or unless they transfer title ownership of the handgun to themselves in a personal capacity, are exempted from the handgun safety certificate requirement in subdivision (b) of Section 12801:

(1) The executor or administrator of an estate.

(2) A secured creditor or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, a default under a security agreement under the Commercial Code.

(3) A levying officer, as defined in Section 481.140, 511.060, or 680.260 of the Code of Civil Procedure.

(4) A receiver performing his or her functions as a receiver.

(5) A trustee in bankruptcy performing his or her duties.

(6) An assignee for the benefit of creditors performing his or her functions as an assignee.

~~SEC. 6.~~

SEC. 15. Section 10334 of the Public Contract Code is amended to read:

10334. (a) No state employee shall acquire any goods from the state, unless the goods are offered to the general public in the

1 regular course of the state's business on the same terms and
2 conditions as those applicable to the employee. "State employee,"
3 as used in this section, means any employee of the state included
4 within Section 82009 of the Government Code, and all officers and
5 employees included within Section 4 of Article VII of the
6 California Constitution, except those persons excluded from the
7 definition of "designated employee" under the last paragraph of
8 Section 82019 of the Government Code.

9 (b) Notwithstanding subdivision (a), any peace officer as
10 defined in Chapter 4.5 (commencing with Section 830) of Title 3
11 of Part 2 of the Penal Code, employed by the State of California
12 for a period of more than 120 months who has been duly retired
13 through a service retirement or a peace officer retiring from a
14 job-incurred disability not related to a mental or emotional
15 disorder and who has been granted the legal right to carry a
16 concealed ~~firearm~~ handgun pursuant to subdivision (a) of Section
17 12027 of the Penal Code may be authorized by the person's
18 department head to purchase his or her state-issued handgun.
19 Disability retired peace officers need not meet the 120-month
20 employment requirement. The cost of the handgun shall be the fair
21 market value as listed in the annual Blue Book of Gun Values or
22 replacement cost, whichever is less, of the handgun issued as
23 determined by the appointing power, plus a charge for the cost of
24 handling. The retiring officer shall request to purchase his or her
25 handgun in writing to the department within 30 calendar days of
26 his or her retirement date.

27 (c) Notwithstanding subdivision (a), any peace officer
28 described in Chapter 4.5 (commencing with Section 830) of Title
29 3 of Part 2 of the Penal Code employed by the State of California
30 who is authorized to carry firearms may purchase his or her
31 state-issued service firearm if the person's department head directs
32 the department to change its state-issued service weapon system.
33 The cost of the service firearm shall be the fair market value as
34 listed in the annual Blue Book of Gun Values or replacement cost,
35 whichever is less, of the firearm issued as determined by the
36 department head, plus a charge for the cost of handling. The
37 requesting officer shall request to purchase his or her firearm in
38 writing to the department within 10 calendar days of receiving the
39 new state-issued weapon.



1 *SEC. 16.* No reimbursement is required by this act pursuant
2 to Section 6 of Article XIII B of the California Constitution
3 because the only costs that may be incurred by a local agency or
4 school district will be incurred because this act creates a new crime
5 or infraction, eliminates a crime or infraction, or changes the
6 penalty for a crime or infraction, within the meaning of Section
7 17556 of the Government Code, or changes the definition of a
8 crime within the meaning of Section 6 of Article XIII B of the
9 California Constitution.

