

ASSEMBLY BILL

No. 357

Introduced by Assembly Member Knight

February 19, 2009

An act to amend Section 12050 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 357, as introduced, Knight. Firearms: license to carry concealed firearm.

Existing law authorizes the sheriff of a county, upon proof that the person applying is of good moral character, that good cause exists, and that the person applying satisfies any one of certain conditions, as specified, to issue a license for the person to carry a concealed handgun, as specified.

This bill would delete the good cause requirement, and require the sheriff to issue the license if the other criteria described above are met.

By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 12050 of the Penal Code is amended to
2 read:

3 12050. (a) (1) (A) The sheriff of a county, upon proof that
4 the person applying is of good moral character, ~~that good cause~~
5 ~~exists for the issuance~~, and that the person applying satisfies any
6 one of the conditions specified in subparagraph (D) and has
7 completed a course of training as described in subparagraph (E),
8 ~~may shall~~ issue to that person a license to carry a pistol, revolver,
9 or other firearm capable of being concealed upon the person in
10 either one of the following formats:

11 (i) A license to carry concealed a pistol, revolver, or other
12 firearm capable of being concealed upon the person.

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

17 (B) The chief or other head of a municipal police department
18 of any city or city and county, upon proof that the person applying
19 is of good moral character, that good cause exists for the issuance,
20 and that the person applying is a resident of that city and has
21 completed a course of training as described in subparagraph (E),
22 may issue to that person a license to carry a pistol, revolver, or
23 other firearm capable of being concealed upon the person in either
24 one of the following formats:

25 (i) A license to carry concealed a pistol, revolver, or other
26 firearm capable of being concealed upon the person.

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

32 (C) The sheriff of a county or the chief or other head of a
33 municipal police department of any city or city and county, upon
34 proof that the person applying is of good moral character, that
35 good cause exists for the issuance, and that the person applying is
36 a person who has been deputized or appointed as a peace officer
37 pursuant to subdivision (a) or (b) of Section 830.6 by that sheriff
38 or that chief of police or other head of a municipal police

1 department, may issue to that person a license to carry concealed
2 a pistol, revolver, or other firearm capable of being concealed upon
3 the person. Direct or indirect fees for the issuance of a license
4 pursuant to this subparagraph may be waived. The fact that an
5 applicant for a license to carry a pistol, revolver, or other firearm
6 capable of being concealed upon the person has been deputized
7 or appointed as a peace officer pursuant to subdivision (a) or (b)
8 of Section 830.6 shall be considered only for the purpose of issuing
9 a license pursuant to this subparagraph, and shall not be considered
10 for the purpose of issuing a license pursuant to subparagraph (A)
11 or (B).

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

- 14 (i) Is a resident of the county or a city within the county.
- 15 (ii) Spends a substantial period of time in the applicant's
16 principal place of employment or business in the county or a city
17 within the county.

18 (E) (i) For new license applicants, the course of training may
19 be any course acceptable to the licensing authority, shall not exceed
20 16 hours, and shall include instruction on at least firearm safety
21 and the law regarding the permissible use of a firearm.
22 Notwithstanding this clause, the licensing authority may require
23 a community college course certified by the Commission on Peace
24 Officer Standards and Training, up to a maximum of 24 hours, but
25 only if required uniformly of all license applicants without
26 exception.

27 (ii) For license renewal applicants, the course of training may
28 be any course acceptable to the licensing authority, shall be no
29 less than four hours, and shall include instruction on at least firearm
30 safety and the law regarding the permissible use of a firearm. No
31 course of training shall be required for any person certified by the
32 licensing authority as a trainer for purposes of this subparagraph,
33 in order for that person to renew a license issued pursuant to this
34 section.

35 (2) (A) (i) Except as otherwise provided in clause (ii),
36 subparagraphs (C) and (D) of this paragraph, and subparagraph
37 (B) of paragraph (4) of subdivision (f), a license issued pursuant
38 to subparagraph (A) or (B) of paragraph (1) is valid for any period
39 of time not to exceed two years from the date of the license.

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

17 (B) A license issued pursuant to subparagraph (C) of paragraph
18 (1) to a peace officer appointed pursuant to Section 830.6 is valid
19 for any period of time not to exceed four years from the date of
20 the license, except that the license shall be invalid upon the
21 conclusion of the person's appointment pursuant to Section 830.6
22 if the four-year period has not otherwise expired or any other
23 condition imposed pursuant to this section does not limit the
24 validity of the license to a shorter time period.

25 (C) A license issued pursuant to subparagraph (A) or (B) of
26 paragraph (1) is valid for any period of time not to exceed three
27 years from the date of the license if the license is issued to any of
28 the following individuals:

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

30 (ii) A full-time court commissioner of a California court of
31 record.

32 (iii) A judge of a federal court.

33 (iv) A magistrate of a federal court.

34 (D) A license issued pursuant to subparagraph (A) or (B) of
35 paragraph (1) is valid for any period of time not to exceed four
36 years from the date of the license if the license is issued to a
37 custodial officer who is an employee of the sheriff as provided in
38 Section 831.5, except that the license shall be invalid upon the
39 conclusion of the person's employment pursuant to Section 831.5
40 if the four-year period has not otherwise expired or any other

1 condition imposed pursuant to this section does not limit the
2 validity of the license to a shorter time period.

3 (3) For purposes of this subdivision, a city or county may be
4 considered an applicant’s “principal place of employment or
5 business” only if the applicant is physically present in the
6 jurisdiction during a substantial part of his or her working hours
7 for purposes of that employment or business.

8 (b) A license may include any reasonable restrictions or
9 conditions which the issuing authority deems warranted, including
10 restrictions as to the time, place, manner, and circumstances under
11 which the person may carry a pistol, revolver, or other firearm
12 capable of being concealed upon the person.

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

15 (d) A license shall not be issued if the Department of Justice
16 determines that the person is prohibited by state or federal law
17 from possessing, receiving, owning, or purchasing a firearm.

18 (e) (1) The license shall be revoked by the local licensing
19 authority if at any time either the local licensing authority is
20 notified by the Department of Justice that a licensee is prohibited
21 by state or federal law from owning or purchasing firearms, or the
22 local licensing authority determines that the person is prohibited
23 by state or federal law from possessing, receiving, owning, or
24 purchasing a firearm.

25 (2) If at any time the Department of Justice determines that a
26 licensee is prohibited by state or federal law from possessing,
27 receiving, owning, or purchasing a firearm, the department shall
28 immediately notify the local licensing authority of the
29 determination.

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

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

37 (A) Add or delete authority to carry a particular pistol, revolver,
38 or other firearm capable of being concealed upon the person.

39 (B) Authorize the licensee to carry concealed a pistol, revolver,
40 or other firearm capable of being concealed upon the person.

1 (C) If the population of the county is less than 200,000 persons
2 according to the most recent federal decennial census, authorize
3 the licensee to carry loaded and exposed in that county a pistol,
4 revolver, or other firearm capable of being concealed upon the
5 person.

6 (D) Change any restrictions or conditions on the license,
7 including restrictions as to the time, place, manner, and
8 circumstances under which the person may carry a pistol, revolver,
9 or other firearm capable of being concealed upon the person.

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

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

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

18 (B) If the license is one to carry concealed a pistol, revolver, or
19 other firearm capable of being concealed upon the person, then it
20 may not be revoked solely because the licensee changes his or her
21 place of residence to another county if the licensee has not breached
22 any conditions or restrictions set forth in the license and has not
23 become prohibited by state or federal law from possessing,
24 receiving, owning, or purchasing a firearm. However, any license
25 issued pursuant to subparagraph (A) or (B) of paragraph (1) of
26 subdivision (a) shall expire 90 days after the licensee moves from
27 the county of issuance if the licensee's place of residence was the
28 basis for issuance of the license.

29 (C) If the license is one to carry loaded and exposed a pistol,
30 revolver, or other firearm capable of being concealed upon the
31 person, the license shall be revoked immediately if the licensee
32 changes his or her place of residence to another county.

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

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

38 (g) Nothing in this article shall preclude the chief or other head
39 of a municipal police department of any city from entering an
40 agreement with the sheriff of the county in which the city is located

1 for the sheriff to process all applications for licenses, renewals of
2 licenses, and amendments to licenses, pursuant to this article.

3 SEC. 2. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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