

ASSEMBLY BILL

No. 2376

Introduced by Assembly Member Halderman

February 24, 2012

An act to amend Sections 26150 and 26155 of the Penal Code, relating to concealed weapons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2376, as introduced, Halderman. Concealed weapons: good cause: hate crime victim.

Existing law authorizes the sheriff of a county or the chief or other head of a municipal police department of any city or city and county to issue a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person to an applicant upon proof that the applicant is of good moral character, that good cause exists for issuance of the license, that the applicant is a resident of the respective jurisdiction, and the applicant has completed a specified course of training, including firearm safety.

This bill would provide, for purposes of those provisions, that good cause shall be conclusively established if the applicant has a report on file with a law enforcement agency evidencing that he or she is a victim of a hate crime.

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

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

1 SECTION 1. Section 26150 of the Penal Code is amended to
2 read:

1 26150. (a) When a person applies for a license to carry a pistol,
2 revolver, or other firearm capable of being concealed upon the
3 person, the sheriff of a county may issue a license to that person
4 upon proof of all of the following:

5 (1) The applicant is of good moral character.

6 (2) (A) Good cause exists for issuance of the license.

7 (B) *For purposes of this paragraph, “good cause” shall be*
8 *conclusively established if the applicant has a report on file with*
9 *a law enforcement agency evidencing that he or she is a victim of*
10 *a hate crime.*

11 (3) The applicant is a resident of the county or a city within the
12 county, or the applicant’s principal place of employment or
13 business is in the county or a city within the county and the
14 applicant spends a substantial period of time in that place of
15 employment or business.

16 (4) The applicant has completed a course of training as described
17 in Section 26165.

18 (b) The sheriff may issue a license under subdivision (a) in
19 either of the following formats:

20 (1) A license to carry concealed a pistol, revolver, or other
21 firearm capable of being concealed upon the person.

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

27 SEC. 2. Section 26155 of the Penal Code is amended to read:

28 26155. (a) When a person applies for a license to carry a pistol,
29 revolver, or other firearm capable of being concealed upon the
30 person, the chief or other head of a municipal police department
31 of any city or city and county may issue a license to that person
32 upon proof of all of the following:

33 (1) The applicant is of good moral character.

34 (2) (A) Good cause exists for issuance of the license.

35 (B) *For purposes of this paragraph, “good cause” shall be*
36 *conclusively established if the applicant has a report on file with*
37 *a law enforcement agency evidencing that he or she is a victim of*
38 *a hate crime.*

39 (3) The applicant is a resident of that city.

1 (4) The applicant has completed a course of training as described
2 in Section 26165.

3 (b) The chief or other head of a municipal police department
4 may issue a license under subdivision (a) in either of the following
5 formats:

6 (1) A license to carry concealed a pistol, revolver, or other
7 firearm capable of being concealed upon the person.

8 (2) ~~Where~~ *If* the population of the county in which the city is
9 located is less than 200,000 persons according to the most recent
10 federal decennial census, a license to carry loaded and exposed in
11 only that county a pistol, revolver, or other firearm capable of
12 being concealed upon the person.

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