

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 249**

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**Introduced by Assembly Member Donnelly**

February 6, 2013

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An act to amend ~~Section 630 of~~ Sections 7574.14 and 7582.2 of the Business and Professions Code, and to amend Sections 16520, 16750, 16850, 25590, and 25605 of, to repeal Sections 626.92, 16505, 16950, 17040, 17295, and 17512 of, to repeal Chapter 6 (commencing with Section 26350) of, and to repeal Chapter 7 (commencing with Section 26400) of, Division 5 of Title 4 of Part 6 of, the Penal Code, relating to ~~invasion of privacy~~ firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 249, as amended, Donnelly. ~~Invasion of privacy.~~ Firearms: open carry prohibitions.

Existing law, subject to certain exceptions, makes it an offense for a person to carry an exposed and unloaded handgun on his or her person outside a motor vehicle or inside or on a motor vehicle in public areas and public streets, as specified. Existing law, subject to exceptions makes it an offense for a person to carry an unloaded firearm that is not a handgun on his or her person outside a motor vehicle in an incorporated city or city and county and makes it an offense to carry an unloaded firearm that is not a handgun outside a motor vehicle in an incorporated city or city and county, as specified.

This bill would repeal these provisions. The bill would make additional conforming changes.

Existing law makes wiretapping without the consent of all parties to the communication, or in an unauthorized manner, a crime. Existing

~~law further declares that advances in science and technology have led to the development of new devices and techniques for the purpose of eavesdropping upon private communications and that the invasion of privacy resulting from the continual and increasing use of those devices and techniques has created a serious threat to the free exercise of personal liberties and cannot be tolerated in a free and civilized society. Existing law expresses the intent of the Legislature to protect the right of privacy of the people of California.~~

~~This bill would make a technical, nonsubstantive change to those provisions describing the invasion of privacy resulting from the use of those devices.~~

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 7574.14 of the Business and Professions  
2     Code is amended to read:  
3     7574.14. This chapter shall not apply to the following:  
4     (a) An officer or employee of the United States of America, or  
5     of this state or a political subdivision thereof, while the officer or  
6     employee is engaged in the performance of his or her official  
7     duties, including uniformed peace officers employed part time by  
8     a public agency pursuant to a written agreement between a chief  
9     of police or sheriff and the public agency, provided the part-time  
10    employment does not exceed 50 hours in a calendar month.  
11    (b) A person engaged exclusively in the business of obtaining  
12    and furnishing information as to the financial rating of persons.  
13    (c) A charitable philanthropic society or association incorporated  
14    under the laws of this state that is organized and duly maintained  
15    for the public good and not for private profit.  
16    (d) Patrol special police officers appointed by the police  
17    commission of a city, county, or city and county under the express  
18    terms of its charter who also under the express terms of the charter  
19    (1) are subject to suspension or dismissal after a hearing on charges  
20    duly filed with the commission after a fair and impartial trial, (2)  
21    must be not less than 18 years of age nor more than 40 years of  
22    age, (3) must possess physical qualifications prescribed by the  
23    commission, and (4) are designated by the police commission as

1 the owners of a certain beat or territory as may be fixed from time  
2 to time by the police commission.

3 (e) An attorney at law in performing his or her duties as an  
4 attorney at law.

5 (f) A collection agency or an employee thereof while acting  
6 within the scope of his or her employment, while making an  
7 investigation incidental to the business of the agency, including  
8 an investigation of the location of a debtor or his or her property  
9 where the contract with an assignor creditor is for the collection  
10 of claims owed or due or asserted to be owed or due or the  
11 equivalent thereof.

12 (g) Admitted insurers and agents and insurance brokers licensed  
13 by the state, performing duties in connection with insurance  
14 transacted by them.

15 (h) A bank subject to the jurisdiction of the Commissioner of  
16 Financial Institutions of the State of California under Division 1  
17 (commencing with Section 99) of the Financial Code or the  
18 Comptroller of Currency of the United States.

19 (i) A person engaged solely in the business of securing  
20 information about persons or property from public records.

21 (j) A peace officer of this state or a political subdivision thereof  
22 while the peace officer is employed by a private employer to  
23 engage in off-duty employment in accordance with Section 1126  
24 of the Government Code. However, nothing herein shall exempt  
25 such a peace officer who either contracts for his or her services or  
26 the services of others as a private patrol operator or contracts for  
27 his or her services as or is employed as an armed private security  
28 officer. For purposes of this subdivision, "armed security officer"  
29 means an individual who carries or uses a firearm in the course  
30 and scope of that contract or employment.

31 (k) A retired peace officer of the state or political subdivision  
32 thereof when the retired peace officer is employed by a private  
33 employer in employment approved by the chief law enforcement  
34 officer of the jurisdiction where the employment takes place,  
35 provided that the retired officer is in a uniform of a public law  
36 enforcement agency, has registered with the bureau on a form  
37 approved by the director, and has met any training requirements  
38 or their equivalent as established for security personnel under  
39 Section 7583.5. This officer ~~may not carry an unloaded and~~  
40 ~~exposed handgun unless he or she is exempted under the provisions~~

1 of Article 2 (commencing with Section 26361) of Chapter 6 of  
2 Division 5 of Title 4 of Part 6 of the Penal Code, may not carry  
3 an unloaded firearm that is not a handgun unless he or she is  
4 exempted under the provisions of Article 2 (commencing with  
5 Section 26405) of Chapter 7 of Division 5 of Title 4 of Part 6 of  
6 the Penal Code, and may not carry a loaded or concealed firearm  
7 unless he or she is exempted under the provisions of Sections  
8 25450 to 25475, inclusive, of the Penal Code or Sections 25900  
9 to 25910, inclusive, of the Penal Code or has met the requirements  
10 set forth in subdivision (d) of Section 26030 of the Penal Code.  
11 However, nothing herein shall exempt the retired peace officer  
12 who contracts for his or her services or the services of others as a  
13 private patrol operator.

14 (l) A licensed insurance adjuster in performing his or her duties  
15 within the scope of his or her license as an insurance adjuster.

16 (m) A savings association subject to the jurisdiction of the  
17 Commissioner of Financial Institutions or the Office of Thrift  
18 Supervision.

19 (n) A secured creditor engaged in the repossession of the  
20 creditor's collateral and a lessor engaged in the repossession of  
21 leased property in which it claims an interest.

22 (o) A peace officer in his or her official police uniform acting  
23 in accordance with subdivisions (c) and (d) of Section 70 of the  
24 Penal Code.

25 (p) An unarmed, uniformed security person employed  
26 exclusively and regularly by a motion picture studio facility  
27 employer who does not provide contract security services for other  
28 entities or persons in connection with the affairs of that employer  
29 only and where there exists an employer-employee relationship if  
30 that person at no time carries or uses a deadly weapon, as defined  
31 in subdivision (a), in the performance of his or her duties, which  
32 may include, but are not limited to, the following business  
33 purposes:

34 (1) The screening and monitoring access of employees of the  
35 same employer.

36 (2) The screening and monitoring access of prearranged and  
37 preauthorized invited guests.

38 (3) The screening and monitoring of vendors and suppliers.

1 (4) Patrolling the private property facilities for the safety and  
2 welfare of all who have been legitimately authorized to have access  
3 to the facility.

4 (q) An armored contract carrier operating armored vehicles  
5 pursuant to the authority of the Department of the California  
6 Highway Patrol or the Public Utilities Commission, or an armored  
7 vehicle guard employed by an armored contract carrier.

8 *SEC. 2. Section 7582.2 of the Business and Professions Code*  
9 *is amended to read:*

10 7582.2. This chapter does not apply to the following:

11 (a) A person who does not meet the requirements to be a  
12 proprietary private security officer, as defined in Section 7574.01,  
13 and is employed exclusively and regularly by an employer who  
14 does not provide contract security services for other entities or  
15 persons, in connection with the affairs of the employer only and  
16 where there exists an employer-employee relationship if that person  
17 at no time carries or uses a deadly weapon in the performance of  
18 his or her duties. For purposes of this subdivision, “deadly weapon”  
19 is defined to include an instrument or weapon of the kind  
20 commonly known as a blackjack, slungshot, billy, sandclub,  
21 sandbag, metal knuckles, a dirk, dagger, pistol, revolver, or any  
22 other firearm, a knife having a blade longer than five inches, a  
23 razor with an unguarded blade, and a metal pipe or bar used or  
24 intended to be used as a club.

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

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

34 (d) A charitable philanthropic society or association duly  
35 incorporated under the laws of this state that is organized and  
36 maintained for the public good and not for private profit.

37 (e) Patrol special police officers appointed by the police  
38 commission of a city, county, or city and county under the express  
39 terms of its charter who also under the express terms of the charter  
40 (1) are subject to suspension or dismissal after a hearing on charges

1 duly filed with the commission after a fair and impartial trial, (2)  
2 must be not less than 18 years of age nor more than 40 years of  
3 age, (3) must possess physical qualifications prescribed by the  
4 commission, and (4) are designated by the police commission as  
5 the owners of a certain beat or territory as may be fixed from time  
6 to time by the police commission.

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

9 (g) A collection agency or an employee thereof while acting  
10 within the scope of his or her employment, while making an  
11 investigation incidental to the business of the agency, including  
12 an investigation of the location of a debtor or his or her property  
13 where the contract with an assignor creditor is for the collection  
14 of claims owed or due or asserted to be owed or due or the  
15 equivalent thereof.

16 (h) Admitted insurers and agents and insurance brokers licensed  
17 by the state, performing duties in connection with insurance  
18 transacted by them.

19 (i) A bank subject to the jurisdiction of the Commissioner of  
20 Financial Institutions of the State of California under Division 1  
21 (commencing with Section 99) of the Financial Code or the  
22 Comptroller of the Currency of the United States.

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

25 (k) A peace officer of this state or a political subdivision thereof  
26 while the peace officer is employed by a private employer to  
27 engage in off-duty employment in accordance with Section 1126  
28 of the Government Code. However, nothing herein shall exempt  
29 a peace officer who either contracts for his or her services or the  
30 services of others as a private patrol operator or contracts for his  
31 or her services as or is employed as an armed private security  
32 officer. For purposes of this subdivision, "armed security officer"  
33 means an individual who carries or uses a firearm in the course  
34 and scope of that contract or employment.

35 (l) A retired peace officer of the state or political subdivision  
36 thereof when the retired peace officer is employed by a private  
37 employer in employment approved by the chief law enforcement  
38 officer of the jurisdiction where the employment takes place,  
39 provided that the retired officer is in a uniform of a public law  
40 enforcement agency, has registered with the bureau on a form

1 approved by the director, and has met any training requirements  
2 or their equivalent as established for security personnel under  
3 Section 7583.5. This officer ~~may not carry an unloaded and~~  
4 ~~exposed handgun unless he or she is exempted under the provisions~~  
5 ~~of Article 2 (commencing with Section 26361) of Chapter 6 of~~  
6 ~~Division 5 of Title 4 of Part 6 of the Penal Code, may not carry~~  
7 ~~an unloaded firearm that is not a handgun unless he or she is~~  
8 ~~exempted under the provisions of Article 2 (commencing with~~  
9 ~~Section 26405) of Chapter 7 of Division 5 of Title 4 of Part 6 of~~  
10 ~~the Penal Code, and may not carry a loaded or concealed firearm~~  
11 unless he or she is exempted under the provisions of Article 2  
12 (commencing with Section 25450) of Chapter 2 of Division 5 of  
13 Title 4 of Part 6 of the Penal Code or Sections 25900 to 25910,  
14 inclusive, of the Penal Code or has met the requirements set forth  
15 in subdivision (d) of Section 26030 of the Penal Code. However,  
16 nothing herein shall exempt the retired peace officer who contracts  
17 for his or her services or the services of others as a private patrol  
18 operator.

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

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

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

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

30 (q) An unarmed, uniformed security person employed  
31 exclusively and regularly by a motion picture studio facility  
32 employer who does not provide contract security services for other  
33 entities or persons in connection with the affairs of that employer  
34 only and where there exists an employer-employee relationship if  
35 that person at no time carries or uses a deadly weapon, as defined  
36 in subdivision (a), in the performance of his or her duties, which  
37 may include, but are not limited to, the following business  
38 purposes:

39 (1) The screening and monitoring access of employees of the  
40 same employer.

1 (2) The screening and monitoring access of prearranged and  
2 preauthorized invited guests.

3 (3) The screening and monitoring of vendors and suppliers.

4 (4) Patrolling the private property facilities for the safety and  
5 welfare of all who have been legitimately authorized to have access  
6 to the facility.

7 (r) The changes made to this section by the act adding this  
8 subdivision during the 2005–06 Regular Session of the Legislature  
9 shall apply as follows:

10 (1) On and after July 1, 2006, to a person hired as a security  
11 officer on and after January 1, 2006.

12 (2) On and after January 1, 2007, to a person hired as a security  
13 officer before January 1, 2006.

14 *SEC. 3. Section 626.92 of the Penal Code is repealed.*

15 ~~626.92. Section 626.9 does not apply to or affect any of the~~  
16 ~~following:~~

17 ~~(a) A security guard authorized to openly carry an unloaded~~  
18 ~~handgun pursuant to Chapter 6 (commencing with Section 26350)~~  
19 ~~of Division 5 of Title 4 of Part 6.~~

20 ~~(b) An honorably retired peace officer authorized to openly~~  
21 ~~carry an unloaded handgun pursuant to Section 26361.~~

22 ~~(c) A security guard authorized to openly carry an unloaded~~  
23 ~~firearm that is not a handgun pursuant to Chapter 7 (commencing~~  
24 ~~with Section 26400) of Division 5 of Title 4 of Part 6.~~

25 ~~(d) An honorably retired peace officer authorized to openly~~  
26 ~~carry an unloaded firearm that is not a handgun pursuant to Section~~  
27 ~~26405.~~

28 *SEC. 4. Section 16505 of the Penal Code is repealed.*

29 ~~16505. For purposes of Chapter 7 (commencing with Section~~  
30 ~~26400) of Division 5 of Title 4, a firearm is “encased” when that~~  
31 ~~firearm is enclosed in a case that is expressly made for the purpose~~  
32 ~~of containing a firearm and that is completely zipped, snapped,~~  
33 ~~buckled, tied, or otherwise fastened with no part of that firearm~~  
34 ~~exposed.~~

35 *SEC. 5. Section 16520 of the Penal Code is amended to read:*

36 16520. (a) As used in this part, “firearm” means a device,  
37 designed to be used as a weapon, from which is expelled through  
38 a barrel, a projectile by the force of an explosion or other form of  
39 combustion.

1 (b) As used in the following provisions, “firearm” includes the  
2 frame or receiver of the weapon:

- 3 (1) Section 16550.
- 4 (2) Section 16730.
- 5 (3) Section 16960.
- 6 (4) Section 16990.
- 7 (5) Section 17070.
- 8 (6) Section 17310.
- 9 (7) Sections 26500 to 26588, inclusive.
- 10 (8) Sections 26600 to 27140, inclusive.
- 11 (9) Sections 27400 to 28000, inclusive.
- 12 (10) Section 28100.
- 13 (11) Sections 28400 to 28415, inclusive.
- 14 (12) Sections 29010 to 29150, inclusive.
- 15 (13) Sections 29610 to 29750, inclusive.
- 16 (14) Sections 29800 to 29905, inclusive.
- 17 (15) Sections 30150 to 30165, inclusive.
- 18 (16) Section 31615.
- 19 (17) Sections 31705 to 31830, inclusive.
- 20 (18) Sections 34355 to 34370, inclusive.
- 21 (19) Sections 8100, 8101, and 8103 of the Welfare and  
22 Institutions Code.

23 (c) As used in the following provisions, “firearm” also includes  
24 a rocket, rocket propelled projectile launcher, or similar device  
25 containing an explosive or incendiary material, whether or not the  
26 device is designed for emergency or distress signaling purposes:

- 27 (1) Section 16750.
- 28 (2) Subdivision (b) of Section 16840.
- 29 (3) Section 25400.
- 30 (4) Sections 25850 to 26025, inclusive.
- 31 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 32 (6) Sections 26035 to 26055, inclusive.

33 (d) As used in the following provisions, “firearm” does not  
34 include an unloaded antique firearm:

- 35 (1) Subdivisions (a) and (c) of Section 16730.
- 36 (2) Section 16550.
- 37 (3) Section 16960.
- 38 (4) Section 17310.
- 39 ~~(5) Chapter 6 (commencing with Section 26350) of Division 5~~  
40 ~~of Title 4.~~

1 ~~(6) Chapter 7 (commencing with Section 26400) of Division 5~~  
 2 ~~of Title 4.~~  
 3 ~~(7)~~  
 4 (5) Sections 26500 to 26588, inclusive.  
 5 ~~(8)~~  
 6 (6) Sections 26700 to 26915, inclusive.  
 7 ~~(9)~~  
 8 (7) Section 27510.  
 9 ~~(10)~~  
 10 (8) Section 27530.  
 11 ~~(11)~~  
 12 (9) Section 27540.  
 13 ~~(12)~~  
 14 (10) Section 27545.  
 15 ~~(13)~~  
 16 (11) Sections 27555 to 27570, inclusive.  
 17 ~~(14)~~  
 18 (12) Sections 29010 to 29150, inclusive.  
 19 (e) As used in Sections 34005 and 34010, “firearm” does not  
 20 include a destructive device.  
 21 (f) As used in Sections 17280 and 24680, “firearm” has the  
 22 same meaning as in Section 922 of Title 18 of the United States  
 23 Code.  
 24 (g) As used in Sections 29010 to 29150, inclusive, “firearm”  
 25 includes the unfinished frame or receiver of a weapon that can be  
 26 readily converted to the functional condition of a finished frame  
 27 or receiver.  
 28 *SEC. 6. Section 16750 of the Penal Code is amended to read:*  
 29 16750. (a) As used in Section 25400, “lawful possession of  
 30 the firearm” means that the person who has possession or custody  
 31 of the firearm either lawfully owns the firearm or has the  
 32 permission of the lawful owner or a person who otherwise has  
 33 apparent authority to possess or have custody of the firearm. A  
 34 person who takes a firearm without the permission of the lawful  
 35 owner or without the permission of a person who has lawful  
 36 custody of the firearm does not have lawful possession of the  
 37 firearm.  
 38 (b) As used in Article 2 (commencing with Section 25850),  
 39 Article 3 (commencing with Section 25900), and Article 4  
 40 (commencing with Section 26000) of Chapter 3 of Division 5 of

1 Title 4, Chapter 6 (commencing with Section 26350) of Division  
2 5 of Title 4, and Chapter 7 (commencing with Section 26400) of  
3 Division 5 of Title 4, “lawful possession of the firearm” means  
4 that the person who has possession or custody of the firearm either  
5 lawfully acquired and lawfully owns the firearm or has the  
6 permission of the lawful owner or person who otherwise has  
7 apparent authority to possess or have custody of the firearm. A  
8 person who takes a firearm without the permission of the lawful  
9 owner or without the permission of a person who has lawful  
10 custody of the firearm does not have lawful possession of the  
11 firearm.

12 *SEC. 7. Section 16850 of the Penal Code is amended to read:*

13 16850. As used in Sections 17740, 23925, 25105, 25205, and  
14 25610, and in Article 3 (commencing with Section 25505) of  
15 Chapter 2 of Division 5 of Title 4, ~~in Chapter 6 (commencing with~~  
16 ~~Section 26350) of Division 5 of Title 4, and in Chapter 7~~  
17 ~~(commencing with Section 26400) of Division 5 of Title 4,~~ “locked  
18 container” means a secure container that is fully enclosed and  
19 locked by a padlock, keylock, combination lock, or similar locking  
20 device. The term “locked container” does not include the utility  
21 or glove compartment of a motor vehicle.

22 *SEC. 8. Section 16950 of the Penal Code is repealed.*

23 16950. ~~As used in Chapter 6 (commencing with Section 26350)~~  
24 ~~of Division 5 of Title 4, a handgun shall be deemed to be carried~~  
25 ~~openly or exposed if the handgun is not carried concealed within~~  
26 ~~the meaning of Section 25400.~~

27 *SEC. 9. Section 17040 of the Penal Code is repealed.*

28 17040. ~~As used in Chapter 6 (commencing with Section 26350)~~  
29 ~~of Division 5 of Title 4, “public place” has the same meaning as~~  
30 ~~in Section 25850.~~

31 *SEC. 10. Section 17295 of the Penal Code is repealed.*

32 17295. (a) ~~For purposes of Chapter 6 (commencing with~~  
33 ~~Section 26350) of Division 5 of Title 4, a handgun shall be deemed~~  
34 ~~“unloaded” if it is not “loaded” within the meaning of subdivision~~  
35 ~~(b) of Section 16840.~~

36 (b) ~~For purposes of Chapter 7 (commencing with Section 26400)~~  
37 ~~of Division 5 of Title 4, a firearm that is not a handgun shall be~~  
38 ~~deemed “unloaded” if it is not “loaded” within the meaning of~~  
39 ~~subdivision (b) of Section 16840.~~

40 *SEC. 11. Section 17512 of the Penal Code is repealed.*

1 ~~17512. It is a misdemeanor for a driver of any motor vehicle~~  
2 ~~or the owner of any motor vehicle, whether or not the owner of~~  
3 ~~the vehicle is occupying the vehicle, to knowingly permit any other~~  
4 ~~person to carry into or bring into the vehicle a firearm in violation~~  
5 ~~of Section 26350.~~

6 *SEC. 12. Section 25590 of the Penal Code is amended to read:*

7 25590. Section 25400 does not apply to, or affect, the  
8 transportation of a firearm by a person if done directly between  
9 any of the places set forth below:

10 (a) A place where the person may carry that firearm pursuant  
11 to an exemption from the prohibition set forth in subdivision (a)  
12 of Section 25400.

13 (b) A place where that person may carry that firearm pursuant  
14 to an exemption from the prohibition set forth in subdivision (a)  
15 of Section 25850, or a place where the prohibition set forth in  
16 subdivision (a) of Section 25850 does not apply.

17 ~~(c) A place where that person may carry a firearm pursuant to~~  
18 ~~an exemption from the prohibition set forth in subdivision (a) of~~  
19 ~~Section 26350, or a place where the prohibition set forth in~~  
20 ~~subdivision (a) of Section 26350 does not apply.~~

21 *SEC. 13. Section 25605 of the Penal Code is amended to read:*

22 25605. (a) ~~Section 25400 and Chapter 6 (commencing with~~  
23 ~~Section 26350) of Division 5 shall not apply to or affect any citizen~~  
24 ~~of the United States or legal resident over the age of 18 years who~~  
25 ~~resides or is temporarily within this state, and who is not within~~  
26 ~~the excepted classes prescribed by Chapter 2 (commencing with~~  
27 ~~Section 29800) or Chapter 3 (commencing with Section 29900)~~  
28 ~~of Division 9 of this title, or Section 8100 or 8103 of the Welfare~~  
29 ~~and Institutions Code, who carries, either openly or concealed,~~  
30 ~~anywhere within the citizen’s or legal resident’s place of residence,~~  
31 ~~place of business, or on private property owned or lawfully~~  
32 ~~possessed by the citizen or legal resident, any handgun.~~

33 (b) No permit or license to purchase, own, possess, keep, or  
34 carry, either openly or concealed, shall be required of any citizen  
35 of the United States or legal resident over the age of 18 years who  
36 resides or is temporarily within this state, and who is not within  
37 the excepted classes prescribed by Chapter 2 (commencing with  
38 Section 29800) or Chapter 3 (commencing with Section 29900)  
39 of Division 9 of this title, or Section 8100 or 8103 of the Welfare  
40 and Institutions Code, to purchase, own, possess, keep, or carry,

1 either openly or concealed, a handgun within the citizen’s or legal  
2 resident’s place of residence, place of business, or on private  
3 property owned or lawfully possessed by the citizen or legal  
4 resident.

5 (c) Nothing in this section shall be construed as affecting the  
6 application of Sections 25850 to 26055, inclusive.

7 *SEC. 14. Chapter 6 (commencing with Section 26350) of*  
8 *Division 5 of Title 4 of Part 6 of the Penal Code is repealed.*

9 *SEC. 15. Chapter 7 (commencing with Section 26400) of*  
10 *Division 5 of Title 4 of Part 6 of the Penal Code is repealed.*

11 ~~SECTION 1. Section 630 of the Penal Code is amended to~~  
12 ~~read:~~

13 ~~630. (a) The Legislature hereby declares that advances in~~  
14 ~~science and technology have led to the development of new devices~~  
15 ~~and techniques for the purpose of eavesdropping upon private~~  
16 ~~communications and that the invasion of privacy resulting from~~  
17 ~~the continual and increasing use of those devices and techniques~~  
18 ~~has created a serious threat to the free exercise of personal liberties~~  
19 ~~and cannot be tolerated in a free and civilized society.~~

20 ~~(b) The Legislature by this chapter intends to protect the right~~  
21 ~~of privacy of the people of this state.~~

22 ~~(c) The Legislature recognizes that law enforcement agencies~~  
23 ~~have a legitimate need to employ modern listening devices and~~  
24 ~~techniques in the investigation of criminal conduct and the~~  
25 ~~apprehension of lawbreakers. Therefore, it is not the intent of the~~  
26 ~~Legislature to place greater restraints on the use of listening devices~~  
27 ~~and techniques by law enforcement agencies than existed prior to~~  
28 ~~the effective date of this chapter.~~