

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN SENATE JUNE 9, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 450

Introduced by Assembly Member McCarty
(Coauthor: Assembly Member Cooley)

February 23, 2015

An act to ~~add Section 26157 to~~ *amend Section 26190 of the Penal Code, relating to firearms.*

LEGISLATIVE COUNSEL'S DIGEST

AB 450, as amended, McCarty. Firearms: concealed carry license.

Existing law authorizes specified local law enforcement agencies to issue to an applicant a license to carry a concealed firearm if certain requirements are met, including, among others, that the applicant has good cause for the license. *Existing law allows the licensing authority of any city, city and county, or county to charge a fee in an amount equal to the actual costs for processing the application for a new license, not to exceed \$100.*

~~This bill would require local agencies issuing those licenses to charge an applicant a fee sufficient to cover the reasonable costs of issuing and enforcement of the license.~~ *instead require the local licensing authority to charge the fee and would additionally require the fee to include the costs of issuing the license and enforcement of the license. The bill would delete the prohibition on charging more than \$100.*

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 26190 of the Penal Code is amended to
2 read:

3 26190. (a) (1) Each applicant for a new license or for the
4 renewal of a license shall pay at the time of filing the application
5 a fee determined by the Department of Justice. The fee shall not
6 exceed the application processing costs of the Department of
7 Justice for the direct costs of furnishing the report required by
8 Section 26185.

9 (2) After the department establishes fees sufficient to reimburse
10 the department for processing costs, fees charged shall increase at
11 a rate not to exceed the legislatively approved annual cost-of-living
12 adjustments for the department's budget.

13 (3) The officer receiving the application and the fee shall
14 transmit the fee, with the fingerprints if required, to the Department
15 of Justice.

16 (b) (1) The licensing authority of any city, city and county, or
17 county ~~may~~ shall charge an additional fee in an amount equal to
18 the actual costs for processing the application for a new license,
19 *and the reasonable costs of issuing the license and enforcement*
20 *of the license*, including any required notices, excluding fingerprint
21 and training costs, ~~but in no case to exceed one hundred dollars~~
22 ~~(\$100)~~, costs and shall transmit the additional fee, if any, to the
23 city, city and county, or county treasury.

24 (2) The first 20 percent of this additional local fee may be
25 collected upon filing of the initial application. The balance of the
26 fee shall be collected only upon issuance of the license.

27 (c) The licensing authority may charge an additional fee, not to
28 exceed twenty-five dollars (\$25), for processing the application
29 for a license renewal, and shall transmit an additional fee, if any,
30 to the city, city and county, or county treasury.

31 (d) These local fees may be increased at a rate not to exceed
32 any increase in the California Consumer Price Index as compiled
33 and reported by the Department of Industrial Relations.

34 (e) (1) In the case of an amended license pursuant to Section
35 26215, the licensing authority of any city, city and county, or
36 county may charge a fee, not to exceed ten dollars (\$10), for
37 processing the amended license.

1 (2) This fee may be increased at a rate not to exceed any increase
2 in the California Consumer Price Index as compiled and reported
3 by the Department of Industrial Relations.

4 (3) The licensing authority shall transmit the fee to the city, city
5 and county, or county treasury.

6 (f) (1) If psychological testing on the initial application is
7 required by the licensing authority, the license applicant shall be
8 referred to a licensed psychologist used by the licensing authority
9 for the psychological testing of its own employees. The applicant
10 may be charged for the actual cost of the testing in an amount not
11 to exceed one hundred fifty dollars (\$150).

12 (2) Additional psychological testing of an applicant seeking
13 license renewal shall be required only if there is compelling
14 evidence to indicate that a test is necessary. The cost to the
15 applicant for this additional testing shall not exceed one hundred
16 fifty dollars (\$150).

17 (g) Except as authorized pursuant to this section, no requirement,
18 charge, assessment, fee, or condition that requires the payment of
19 any additional funds by the applicant, or requires the applicant to
20 obtain liability insurance, may be imposed by any licensing
21 authority as a condition of the application for a license.

22 ~~SECTION 1. Section 26157 is added to the Penal Code, to~~
23 ~~read:~~

24 ~~26157. The sheriff, chief, or other head of a municipal police~~
25 ~~department issuing a license pursuant to Section 26150 or 26155~~
26 ~~shall charge an applicant for the license a fee sufficient to cover~~
27 ~~the reasonable costs of issuing and enforcement of the license.~~