

AMENDED IN SENATE JUNE 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1134

Introduced by Assembly Member Mark Stone

February 27, 2015

An act to amend Section 26150 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1134, as amended, Mark Stone. Firearms: concealed firearm licenses.

Existing law authorizes the sheriff of a county, or the chief or other head of a municipal police department, upon proof that the person applying is of good moral character, that good cause exists, and that the person applying satisfies certain conditions, to issue a license for the person to carry a concealed handgun, as specified. Existing law provides that the chief or other head of a municipal police department is not precluded from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses for a person to carry a concealed handgun, renewals of those licenses, and amendments to those licenses.

This bill would ~~provide that the sheriff of the county in which the city is located is not precluded from entering an agreement with the chief or other head of a municipal police department of a city for the chief or other head of a municipal police department to process all applications for licenses for a person to carry a concealed handgun, renewals of those licenses, and amendments to those licenses.~~ *authorize a sheriff to require an applicant who resides in a city with a municipal police department to apply for a license, renew a license, or amend a*

license to carry a concealed handgun through the chief of police or other head of the municipal police department in lieu of the sheriff, provided that the chief or other head of the municipal police department agrees to process those applications. The bill would authorize, in the discretion of the sheriff, the sheriff to review the denial by the municipal police department of an application for, or renewal of, a license to carry a concealed handgun, and would authorize a sheriff to issue or renew a license after that review, as specified.

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:

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

7 (1) The applicant is of good moral character.
8 (2) Good cause exists for issuance of the license.
9 (3) The applicant is a resident of the county or a city within the
10 county, or the applicant’s principal place of employment or
11 business is in the county or a city within the county and the
12 applicant spends a substantial period of time in that place of
13 employment or business.
14 (4) The applicant has completed a course of training as described
15 in Section 26165.

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

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

25 ~~(c) Nothing in this chapter shall preclude the sheriff of the~~
26 ~~county in which the city is located from entering an agreement~~
27 ~~with the chief or other head of a municipal police department of~~

1 a city for the chief or other head of a municipal police department
2 to process all applications for licenses, renewals of licenses, and
3 amendments to licenses pursuant to this chapter.

4 (c) (1) A sheriff may require an applicant who resides in a city
5 with a municipal police department to apply for a license, renew
6 a license, or amend a license through the chief of police or other
7 head of the municipal police department in lieu of the sheriff,
8 provided that the chief or other head of the municipal police
9 department agrees to process those applications. As part of that
10 processing, if an applicant is denied a license or renewal of a
11 license, the chief or other head of the municipal police department
12 shall inform the applicant that the denial may be reviewed, at the
13 sheriff's discretion, if requested by the applicant. The sheriff may,
14 but is not required to, review the denial by the chief or other head
15 of an application for a license or for the renewal of a license.

16 (2) When reviewing the denial of a license or denial of the
17 renewal of a license because the applicant is not of good moral
18 character, the sheriff may rely on the findings, background check,
19 or other investigation conducted by the municipal police
20 department. If the sheriff determines upon review that the applicant
21 is of good moral character, the sheriff may issue or renew a license
22 pursuant to subdivision (a).

23 (3) When reviewing the denial of a license or denial of the
24 renewal of a license because the applicant does not demonstrate
25 good cause for a license, the sheriff shall review that determination
26 de novo. If the sheriff determines upon review that the applicant
27 demonstrates good cause for a license, the sheriff may issue or
28 renew a license pursuant to subdivision (a).

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