

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN SENATE JUNE 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1134**

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**Introduced by Assembly Member Mark Stone**

February 27, 2015

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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 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. provide that a sheriff is not precluded from entering into 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 to carry a concealed handgun, renewals of those licenses, and amendments of those licenses, for that city's residents. The bill would state related findings and declarations of the Legislature.~~

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. *The Legislature finds and declares all of the*  
 2 *following:*  
 3     (a) *It is the intent of the Legislature in enacting this measure*  
 4 *to respond to the Superior Court of the County of Los Angeles*  
 5 *decision in Lu v. County of Los Angeles (2014) BC480493, by*  
 6 *providing county sheriffs with the same authority to enter into*  
 7 *agreements with a local police chief or other head of a municipal*  
 8 *police department as is provided to a police chief or other head*  
 9 *of a municipal police department in subdivision (c) of Section*  
 10 *26155 of the Penal Code. That authority is intended to include,*  
 11 *but not be limited to, the ability to enter into an agreement*  
 12 *delegating to the chief or other head of the city's police department,*  
 13 *the sheriff's discretionary authority to issue licenses to city*  
 14 *residents to carry a concealed firearm.*  
 15     (b) *This legislation is not intended to restrict a chief or other*  
 16 *head of a municipal police department's authority under existing*  
 17 *law to issue, renew, or amend a license to carry a concealed*  
 18 *firearm for a resident of the city in instances in which the sheriff*  
 19 *has denied the resident's application, except where that authority*  
 20 *has been delegated to the sheriff by mutual agreement.*  
 21     (c) *This legislation is not intended to restrict a sheriff's authority*  
 22 *under existing law to issue, renew, or amend a license to carry a*  
 23 *concealed firearm for a resident of a city in instances in which the*  
 24 *chief or other head of the municipal police department has denied*

1 *the resident's application, except where that authority has been*  
2 *delegated to the chief or other head of a municipal police*  
3 *department by mutual agreement.*

4 **SECTION 1.**

5 *SEC. 2.* Section 26150 of the Penal Code is amended to read:

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

- 10 (1) The applicant is of good moral character.  
11 (2) Good cause exists for issuance of the license.  
12 (3) The applicant is a resident of the county or a city within the  
13 county, or the applicant's principal place of employment or  
14 business is in the county or a city within the county and the  
15 applicant spends a substantial period of time in that place of  
16 employment or business.

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

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

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

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

28 ~~(e) (1) A sheriff may require an applicant who resides in a city~~  
29 ~~with a municipal police department to apply for a license, renew~~  
30 ~~a license, or amend a license through the chief of police or other~~  
31 ~~head of the municipal police department in lieu of the sheriff,~~  
32 ~~provided that the chief or other head of the municipal police~~  
33 ~~department agrees to process those applications. As part of that~~  
34 ~~processing, if an applicant is denied a license or renewal of a~~  
35 ~~license, the chief or other head of the municipal police department~~  
36 ~~shall inform the applicant that the denial may be reviewed, at the~~  
37 ~~sheriff's discretion, if requested by the applicant. The sheriff may,~~  
38 ~~but is not required to, review the denial by the chief or other head~~  
39 ~~of an application for a license or for the renewal of a license.~~

1     ~~(2) When reviewing the denial of a license or denial of the~~  
2 ~~renewal of a license because the applicant is not of good moral~~  
3 ~~character, the sheriff may rely on the findings, background check,~~  
4 ~~or other investigation conducted by the municipal police~~  
5 ~~department. If the sheriff determines upon review that the applicant~~  
6 ~~is of good moral character, the sheriff may issue or renew a license~~  
7 ~~pursuant to subdivision (a).~~

8     ~~(3) When reviewing the denial of a license or denial of the~~  
9 ~~renewal of a license because the applicant does not demonstrate~~  
10 ~~good cause for a license, the sheriff shall review that determination~~  
11 ~~de novo. If the sheriff determines upon review that the applicant~~  
12 ~~demonstrates good cause for a license, the sheriff may issue or~~  
13 ~~renew a license pursuant to subdivision (a).~~

14     ~~(c) (1) Nothing in this chapter shall preclude the sheriff of the~~  
15 ~~county from entering into an agreement with the chief or other~~  
16 ~~head of a municipal police department of a city to process all~~  
17 ~~applications for licenses, renewals of licenses, or amendments to~~  
18 ~~licenses pursuant to this chapter, in lieu of the sheriff.~~

19     ~~(2) This subdivision shall only apply to applicants who reside~~  
20 ~~within the city in which the chief or other head of the municipal~~  
21 ~~police department has agreed to process applications for licenses,~~  
22 ~~renewals of licenses, and amendments to licenses, pursuant to this~~  
23 ~~chapter.~~