

AMENDED IN ASSEMBLY APRIL 15, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2022**

**Introduced by Assembly Member Wright**

February 18, 1998

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An act to amend Sections 12050, ~~12051, 12053,~~ and 12054 of, and to add ~~Sections 12050.2, 12050.5, and 12052.5~~ *Section 12050.5* to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2022, as amended, R. Wright. Firearms.

(1) 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 concealed firearm upon proof of specified criteria, including that the person applying is either a resident of the county or a city within the county when application is made to the sheriff, or a resident of the city when application is made to a police chief.

This bill alternatively would authorize the issuance of a license upon proof that the person applying is a resident of, employed within, *or* spends a substantial period of time conducting business within, ~~or has acquired a current domestic violence restraining order from a court within,~~ the county or a city within the county when application is made to the sheriff, or the city or city and county when application is made to a police chief, *or has acquired a current domestic violence restraining order from another county.* The bill also

would require the applicant to complete a specified course of training, and would require each licensing authority to certify acceptable training courses that meet specified requirements. The bill would prohibit the licensing authority from requiring as part of the license application, or as a condition of licensure, that the applicant provide a liability insurance policy to protect the licensing authority or any local government entity.

Additionally, this bill would require each licensing authority to publish and make available a written statement of the specific criteria used by that licensing authority for issuing a license and any specific grounds that would result in the automatic denial of a license by that licensing authority and to include that criteria with license applications provided to license applicants. The bill would require the licensing authority to give written notice to the applicant within 90 days of the initial application for a new license or a license renewal indicating if the application is approved or denied. Commencing on or before January 1, 2000, and annually thereafter, the bill would require each licensing authority to prepare a report of specified statistical information concerning applications for licenses, and to make the report available to the public upon request. The bill also would require each licensing authority to provide applications for amendments to licenses and applications for licenses upon request. By increasing the duties of local law enforcement entities, the bill would impose a state-mandated local program.

The bill further would provide that the city, county, or city and county, licensing authority, and any other person issuing a license are not liable for an injury caused by the issuance, denial, suspension, or revocation of, or by the failure or refusal to issue, deny, suspend, or revoke, a license to carry a concealed firearm where that entity or person is authorized by these provisions to determine whether or not the license should be issued, denied, suspended, or revoked.

(2) Under existing law, a license to carry a concealed firearm issued pursuant to the provisions described in (1) above is valid for any period of time not to exceed one year from the date of the license. A license issued to a reserve peace



~~officer is valid for any period of time not to exceed 3 years from the date of the license.~~

~~This bill would extend the validity of a license issued pursuant to the provisions described in (1) above to any period of time not to exceed 3 2 years and the validity of a license issued to a reserve peace officer to any period of time not to exceed 5 years. The bill would provide that any license issued pursuant to these provisions shall expire 90 days after the licensee moves from the county of issuance if the licensee's place of residence was the basis for issuance of the license. Additionally, the bill would specify that if the licensee's place of business was the basis for issuance of the license pursuant to these provisions, the license is valid for any period of time not to exceed 90 days.~~

~~(3) Existing law authorizes the licensing authority to charge a fee not to exceed \$3 for processing an application for a new license or a license renewal or processing an amended license.~~

~~This bill instead would authorize the licensing authority to charge a fee not to exceed \$40 for processing an application for a new license, excluding fingerprint and training costs. The bill would provide that any additional processing costs for an application for a new license shall be borne by the licensing authority. The bill also would authorize the licensing authority to charge a fee not to exceed \$25 for processing an application for a or license renewal, and a fee not to exceed \$10 for processing an amended license.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~



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

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

1    ~~SECTION 1. Section 12050 of the Penal Code is~~  
2 ~~amended to read:~~

3    ~~12050. (a) (1) (A) The sheriff of a county, upon~~  
4 ~~proof that the person applying is of good moral character,~~  
5 ~~that good cause exists for the issuance, and that the person~~  
6 ~~applying satisfies any one of the conditions specified in~~  
7 ~~subparagraph (D) and has completed a course of training~~  
8 ~~as described in subparagraph (F), may issue to that~~  
9 ~~person a license to carry a pistol, revolver, or other~~  
10 ~~firearm capable of being concealed upon the person in~~  
11 ~~either one of the following formats:~~

12    ~~(i) A license to carry concealed a pistol, revolver, or~~  
13 ~~other firearm capable of being concealed upon the~~  
14 ~~person.~~

15    ~~(ii) Where the population of the county is less than~~  
16 ~~200,000 persons according to the most recent federal~~  
17 ~~decennial census, a license to carry loaded and exposed~~  
18 ~~in that county a pistol, revolver, or other firearm capable~~  
19 ~~of being concealed upon the person.~~

20    ~~(B) The chief or other head of a municipal police~~  
21 ~~department of any city or city and county, upon proof~~  
22 ~~that the person applying is of good moral character, that~~  
23 ~~good cause exists for the issuance, and that the person~~  
24 ~~applying satisfies any one of the conditions specified in~~  
25 ~~subparagraph (E) and has completed a course of training~~  
26 ~~as described in subparagraph (F), may issue to that~~  
27 ~~person a license to carry a pistol, revolver, or other~~  
28 ~~firearm capable of being concealed upon the person in~~  
29 ~~either one of the following formats:~~

30    ~~(i) A license to carry concealed a pistol, revolver, or~~  
31 ~~other firearm capable of being concealed upon the~~  
32 ~~person.~~

33    ~~(ii) Where the population of the county in which the~~  
34 ~~city is located is less than 200,000 persons according to the~~  
35 ~~most recent federal decennial census, a license to carry~~



1 ~~loaded and exposed in that county a pistol, revolver, or~~  
2 ~~other firearm capable of being concealed upon the~~  
3 ~~person.~~

4 ~~(C) The sheriff of a county or the chief or other head~~  
5 ~~of a municipal police department of any city or city and~~  
6 ~~county, upon proof that the person applying is of good~~  
7 ~~moral character, that good cause exists for the issuance,~~  
8 ~~and that the person applying is a person who has been~~  
9 ~~deputized or appointed as a peace officer pursuant to~~  
10 ~~subdivision (a) or (b) of Section 830.6 by that sheriff or~~  
11 ~~that chief of police or other head of a municipal police~~  
12 ~~department, may issue to that person a license to carry~~  
13 ~~concealed a pistol, revolver, or other firearm capable of~~  
14 ~~being concealed upon the person. Direct or indirect fees~~  
15 ~~for the issuance of a license pursuant to this subparagraph~~  
16 ~~may be waived. The fact that an applicant for a license to~~  
17 ~~carry a pistol, revolver, or other firearm capable of being~~  
18 ~~concealed upon the person has been deputized or~~  
19 ~~appointed as a peace officer pursuant to subdivision (a)~~  
20 ~~or (b) of Section 830.6 shall be considered only for the~~  
21 ~~purpose of issuing a license pursuant to this~~  
22 ~~subparagraph, and shall not be considered for the~~  
23 ~~purpose of issuing a license pursuant to subparagraph (A)~~  
24 ~~or (B).~~

25 ~~(D) For the purpose of subparagraph (A), the~~  
26 ~~applicant shall satisfy any one of the following:~~

- 27 ~~(i) Resident of the county or a city within the county.~~
- 28 ~~(ii) Employed within or spends a substantial period of~~  
29 ~~time conducting business within the county or a city~~  
30 ~~within the county.~~
- 31 ~~(iii) Has acquired a current domestic violence~~  
32 ~~restraining order from a court within the county.~~

33 ~~(E) For the purpose of subparagraph (B), the~~  
34 ~~applicant shall satisfy any one of the following:~~

- 35 ~~(i) Resident of the city or city and county.~~
- 36 ~~(ii) Employed within or spends a substantial period of~~  
37 ~~time conducting business within the city or city and~~  
38 ~~county.~~



1 ~~(iii) Has acquired a current domestic violence~~  
2 ~~restraining order from a court within the county in which~~  
3 ~~the city is located.~~

4 ~~(F) Each licensing authority shall certify acceptable~~  
5 ~~training courses that meet the requirements of this~~  
6 ~~subparagraph within three months of the effective date~~  
7 ~~of the act adding this subparagraph. The course of~~  
8 ~~training shall not exceed 16 hours and shall include~~  
9 ~~instruction on at least firearm safety and the law~~  
10 ~~regarding the permissible use of a firearm.~~  
11 ~~Notwithstanding subparagraphs (A) and (B), the failure~~  
12 ~~of an applicant to comply with the 16-hour training~~  
13 ~~requirement shall not be grounds for denial of a license~~  
14 ~~if the content of the course of training has not been~~  
15 ~~established as required pursuant to this subparagraph.~~

16 ~~(2) A license issued pursuant to subparagraph (A) or~~  
17 ~~(B) of paragraph (1) is valid for any period of time not to~~  
18 ~~exceed three years from the date of the license. A license~~  
19 ~~issued pursuant to subparagraph (C) of paragraph (1) to~~  
20 ~~a peace officer appointed pursuant to Section 830.6 is~~  
21 ~~valid for any period of time not to exceed five years from~~  
22 ~~the date of the license, except that the license shall be~~  
23 ~~invalid upon the conclusion of the person's appointment~~  
24 ~~pursuant to Section 830.6 if the five-year period has not~~  
25 ~~otherwise expired or any other condition imposed~~  
26 ~~pursuant to this section does not limit the validity of the~~  
27 ~~license to a shorter time period.~~

28 ~~(3) The licensing authority shall not require as part of~~  
29 ~~the license application, or as a condition of licensure, that~~  
30 ~~the applicant provide a liability insurance policy to~~  
31 ~~protect the licensing authority or any local government~~  
32 ~~entity.~~

33 ~~(b) A license may include any reasonable restrictions~~  
34 ~~or conditions which the issuing authority deems~~  
35 ~~warranted, including restrictions as to the time, place,~~  
36 ~~manner, and circumstances under which the person may~~  
37 ~~carry a pistol, revolver, or other firearm capable of being~~  
38 ~~concealed upon the person.~~

39 ~~(c) Any restrictions imposed pursuant to subdivision~~  
40 ~~(b) shall be indicated on any license issued.~~



1 ~~(d) A license shall not be issued if the Department of~~  
2 ~~Justice determines that the person is within a prohibited~~  
3 ~~class described in Section 12021 or 12021.1 of this code or~~  
4 ~~Section 8100 or 8103 of the Welfare and Institutions Code.~~

5 ~~(e) (1) The license shall be revoked by the local~~  
6 ~~licensing authority if at any time either the local licensing~~  
7 ~~authority is notified by the Department of Justice that a~~  
8 ~~licensee is within a prohibited class described in Section~~  
9 ~~12021 or 12021.1 of this code or Section 8100 or 8103 of the~~  
10 ~~Welfare and Institutions Code, or the local licensing~~  
11 ~~authority determines that the person is within a~~  
12 ~~prohibited class described in Section 12021 or 12021.1 of~~  
13 ~~this code or Section 8100 or 8103 of the Welfare and~~  
14 ~~Institutions Code.~~

15 ~~(2) If at any time the Department of Justice~~  
16 ~~determines that a licensee is within a prohibited class~~  
17 ~~described in Section 12021 or 12021.1 of this code or~~  
18 ~~Section 8100 or 8103 of the Welfare and Institutions Code,~~  
19 ~~the department shall immediately notify the local~~  
20 ~~licensing authority of the determination.~~

21 ~~(3) If the local licensing authority revokes the license,~~  
22 ~~the Department of Justice shall be notified of the~~  
23 ~~revocation pursuant to Section 12053. The licensee shall~~  
24 ~~also be immediately notified of the revocation in writing.~~

25 ~~(f) (1) A person issued a license pursuant to this~~  
26 ~~section may apply to the licensing authority for an~~  
27 ~~amendment to the license to do one or more of the~~  
28 ~~following:~~

29 ~~(A) Add or delete authority to carry a particular pistol,~~  
30 ~~revolver, or other firearm capable of being concealed~~  
31 ~~upon the person.~~

32 ~~(B) Authorize the licensee to carry concealed a pistol,~~  
33 ~~revolver, or other firearm capable of being concealed~~  
34 ~~upon the person.~~

35 ~~(C) If the population of the county is less than 200,000~~  
36 ~~persons according to the most recent federal decennial~~  
37 ~~census, authorize the licensee to carry loaded and~~  
38 ~~exposed in that county a pistol, revolver, or other firearm~~  
39 ~~capable of being concealed upon the person.~~



1 ~~(D) Change any restrictions or conditions on the~~  
2 ~~license, including restrictions as to the time, place,~~  
3 ~~manner, and circumstances under which the person may~~  
4 ~~carry a pistol, revolver, or other firearm capable of being~~  
5 ~~concealed upon the person.~~

6 ~~(2) When the licensee changes his or her address, the~~  
7 ~~license shall be amended to reflect the new address and~~  
8 ~~a new license shall be issued pursuant to paragraph (3).~~

9 ~~(3) If the licensing authority amends the license, a new~~  
10 ~~license shall be issued to the licensee reflecting the~~  
11 ~~amendments.~~

12 ~~(4) (A) The licensee shall notify the licensing~~  
13 ~~authority in writing within 10 days of any change in the~~  
14 ~~licensee's place of residence.~~

15 ~~(B) If the license is one to carry concealed a pistol,~~  
16 ~~revolver, or other firearm capable of being concealed~~  
17 ~~upon the person, then it may not be revoked solely~~  
18 ~~because the licensee changes his or her place of residence~~  
19 ~~or business to another county if the licensee has not~~  
20 ~~breached any conditions or restrictions set forth in the~~  
21 ~~license or has not fallen into a prohibited class described~~  
22 ~~in Section 12021 or 12021.1 of this code or Section 8100 or~~  
23 ~~8103 of the Welfare and Institutions Code. However, the~~  
24 ~~license shall expire on its annual anniversary where the~~  
25 ~~licensee's place of residence or business was the basis for~~  
26 ~~issuance of the license pursuant to paragraph (1) of~~  
27 ~~subdivision (a).~~

28 ~~(C) If the license is one to carry loaded and exposed a~~  
29 ~~pistol, revolver, or other firearm capable of being~~  
30 ~~concealed upon the person, the license shall be revoked~~  
31 ~~immediately if the licensee changes his or her place of~~  
32 ~~residence to another county.~~

33 ~~(5) An amendment to the license does not extend the~~  
34 ~~original expiration date of the license and the license shall~~  
35 ~~be subject to renewal at the same time as if the license had~~  
36 ~~not been amended.~~

37 ~~(6) An application to amend a license does not~~  
38 ~~constitute an application for renewal of the license.~~

39 ~~SEC. 2. Section 12050.2 is added to the Penal Code, to~~  
40 ~~read:~~



1 ~~12050.2. Within three months of the effective date of~~  
2 ~~the act adding this section, each licensing authority shall~~  
3 ~~publish and make available a written statement of the~~  
4 ~~specific criteria used by that licensing authority for~~  
5 ~~issuing a license and any specific grounds that would~~  
6 ~~result in the automatic denial of a license by that licensing~~  
7 ~~authority. The licensing authority shall include these~~  
8 ~~criteria within or attached to the license applications it~~  
9 ~~provides to license applicants.~~

10 ~~SEC. 3.—~~

11 *SECTION 1. Section 12050 of the Penal Code is*  
12 *amended to read:*

13 12050. (a) (1) (A) The sheriff of a county, upon  
14 proof that the person applying is of good moral character,  
15 that good cause exists for the issuance, and that the person  
16 applying ~~is a resident of the county or a city within the~~  
17 ~~county~~ *satisfies any one of the conditions specified in*  
18 *subparagraph (D) and has completed a course of training*  
19 *as described in subparagraph (F), may issue to that*  
20 *person a license to carry a pistol, revolver, or other*  
21 *firearm capable of being concealed upon the person in*  
22 *either one of the following formats:*

23 (i) A license to carry concealed a pistol, revolver, or  
24 other firearm capable of being concealed upon the  
25 person.

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

31 (B) The chief or other head of a municipal police  
32 department of any city or city and county, upon proof  
33 that the person applying is of good moral character, that  
34 good cause exists for the issuance, and that the person  
35 applying ~~is a resident of that city~~ *satisfies any one of the*  
36 *conditions specified in subparagraph (E) and has*  
37 *completed a course of training as described in*  
38 *subparagraph (F), may issue to that person a license to*  
39 *carry a pistol, revolver, or other firearm capable of being*



1 concealed upon the person in either one of the following  
 2 formats:

3 (i) A license to carry concealed a pistol, revolver, or  
 4 other firearm capable of being concealed upon the  
 5 person.

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

12 (C) The sheriff of a county or the chief or other head  
 13 of a municipal police department of any city or city and  
 14 county, upon proof that the person applying is of good  
 15 moral character, that good cause exists for the issuance,  
 16 and that the person applying is a person who has been  
 17 deputized or appointed as a peace officer pursuant to  
 18 subdivision (a) or (b) of Section 830.6 by that sheriff or  
 19 that chief of police or other head of a municipal police  
 20 department, may issue to that person a license to carry  
 21 concealed a pistol, revolver, or other firearm capable of  
 22 being concealed upon the person. Direct or indirect fees  
 23 for the issuance of a license pursuant to this subparagraph  
 24 may be waived. The fact that an applicant for a license to  
 25 carry a pistol, revolver, or other firearm capable of being  
 26 concealed upon the person has been deputized or  
 27 appointed as a peace officer pursuant to subdivision (a)  
 28 or (b) of Section 830.6 shall be considered only for the  
 29 purpose of issuing a license pursuant to this  
 30 subparagraph, and shall not be considered for the  
 31 purpose of issuing a license pursuant to subparagraph (A)  
 32 or (B).

33 (D) *For the purpose of subparagraph (A), the*  
 34 *applicant shall satisfy any one of the following:*

- 35 (i) *Resident of the county or a city within the county.*
- 36 (ii) *Employed within or spends a substantial period of*  
 37 *time conducting business within the county or a city*  
 38 *within the county.*
- 39 (iii) *Has acquired a current domestic violence*  
 40 *restraining order from a court in another county.*



1 (E) For the purpose of subparagraph (B), the  
2 applicant shall satisfy any one of the following:

3 (i) Resident of the city or city and county.

4 (ii) Employed within or spends a substantial period of  
5 time conducting business within the city or city and  
6 county.

7 (iii) Has acquired a current domestic violence  
8 restraining order from a court in another county.

9 (F) The course of training may be any course  
10 acceptable to the licensing authority, shall not exceed 16  
11 hours, and shall include instruction on at least firearm  
12 safety and the law regarding the permissible use of a  
13 firearm.

14 (2) ~~A—~~(A) (i) Except as otherwise provided in clause  
15 (ii) and subparagraph (B) of paragraph (4) of subdivision  
16 (f), a license issued pursuant to subparagraph (A) or (B)  
17 of paragraph (1) is valid for any period of time not to  
18 exceed ~~one year~~ two years from the date of the license. ~~A~~

19 (ii) If the licensee's place of business was the basis for  
20 issuance of the license pursuant to subparagraph (A) or  
21 (B) of paragraph (1), the license is valid for any period  
22 of time not to exceed 90 days from the date of the license.

23 (B) A license issued pursuant to subparagraph (C) of  
24 paragraph (1) to a peace officer appointed pursuant to  
25 Section 830.6 is valid for any period of time not to exceed  
26 three years from the date of the license, except that the  
27 license shall be invalid upon the conclusion of the person's  
28 appointment pursuant to Section 830.6 if the three-year  
29 period has not otherwise expired or any other condition  
30 imposed pursuant to this section does not limit the  
31 validity of the license to a shorter time period.

32 (b) A license may include any reasonable restrictions  
33 or conditions which the issuing authority deems  
34 warranted, including restrictions as to the time, place,  
35 manner, and circumstances under which the person may  
36 carry a pistol, revolver, or other firearm capable of being  
37 concealed upon the person.

38 (c) Any restrictions imposed pursuant to subdivision  
39 (b) shall be indicated on any license issued.



1 (d) A license shall not be issued if the Department of  
2 Justice determines that the person is within a prohibited  
3 class described in Section 12021 or 12021.1 of this code or  
4 Section 8100 or 8103 of the Welfare and Institutions Code.

5 (e) (1) The license shall be revoked by the local  
6 licensing authority if at any time either the local licensing  
7 authority is notified by the Department of Justice that a  
8 licensee is within a prohibited class described in Section  
9 12021 or 12021.1 of this code or Section 8100 or 8103 of the  
10 Welfare and Institutions Code, or the local licensing  
11 authority determines that the person is within a  
12 prohibited class described in Section 12021 or 12021.1 of  
13 this code or Section 8100 or 8103 of the Welfare and  
14 Institutions Code.

15 (2) If at any time the Department of Justice  
16 determines that a licensee is within a prohibited class  
17 described in Section 12021 or 12021.1 of this code or  
18 Section 8100 or 8103 of the Welfare and Institutions Code,  
19 the department shall immediately notify the local  
20 licensing authority of the determination.

21 (3) If the local licensing authority revokes the license,  
22 the Department of Justice shall be notified of the  
23 revocation pursuant to Section 12053. The licensee shall  
24 also be immediately notified of the revocation in writing.

25 (f) (1) A person issued a license pursuant to this  
26 section may apply to the licensing authority for an  
27 amendment to the license to do one or more of the  
28 following:

29 (A) Add or delete authority to carry a particular pistol,  
30 revolver, or other firearm capable of being concealed  
31 upon the person.

32 (B) Authorize the licensee to carry concealed a pistol,  
33 revolver, or other firearm capable of being concealed  
34 upon the person.

35 (C) If the population of the county is less than 200,000  
36 persons according to the most recent federal decennial  
37 census, authorize the licensee to carry loaded and  
38 exposed in that county a pistol, revolver, or other firearm  
39 capable of being concealed upon the person.



1 (D) Change any restrictions or conditions on the  
2 license, including restrictions as to the time, place,  
3 manner, and circumstances under which the person may  
4 carry a pistol, revolver, or other firearm capable of being  
5 concealed upon the person.

6 (2) When the licensee changes his or her address, the  
7 license shall be amended to reflect the new address and  
8 a new license shall be issued pursuant to paragraph (3).

9 (3) If the licensing authority amends the license, a new  
10 license shall be issued to the licensee reflecting the  
11 amendments.

12 (4) (A) The licensee shall notify the licensing  
13 authority in writing within 10 days of any change in the  
14 licensee's place of residence. ~~¶~~

15 (B) *If the license is one to carry concealed a pistol,  
16 revolver, or other firearm capable of being concealed  
17 upon the person, then it may not be revoked solely  
18 because the licensee changes his or her place of residence  
19 to another county if the licensee has not breached any  
20 conditions or restrictions set forth in the license or has not  
21 fallen into a prohibited class described in Section 12021 or  
22 12021.1 of this code or Section 8100 or 8103 of the Welfare  
23 and Institutions Code. ~~¶~~ However, any license issued  
24 pursuant to subparagraph (A) or (B) of paragraph (1) of  
25 subdivision (a) shall expire 90 days after the licensee  
26 moves from the county of issuance if the licensee's place  
27 of residence was the basis for issuance of the license.*

28 (C) *If the license is one to carry loaded and exposed a  
29 pistol, revolver, or other firearm capable of being  
30 concealed upon the person, the license shall be revoked  
31 immediately if the licensee changes his or her place of  
32 residence to another county.*

33 (5) An amendment to the license does not extend the  
34 original expiration date of the license and the license shall  
35 be subject to renewal at the same time as if the license had  
36 not been amended.

37 (6) An application to amend a license does not  
38 constitute an application for renewal of the license.

39 SEC. 2. Section 12050.5 is added to the Penal Code, to  
40 read:



1 12050.5. (a) The city, county, or city and county is not  
 2 liable for an injury caused by the issuance, denial,  
 3 suspension, or revocation of, or by the failure or refusal to  
 4 issue, deny, suspend, or revoke, any license pursuant to  
 5 Section 12050 where the city, county, or city and county  
 6 or an employee of the city, county, or city and county is  
 7 authorized by Section 12050 to determine whether or not  
 8 the license should be issued, denied, suspended, or  
 9 revoked.

10 (b) The sheriff of a county or the chief or other head  
 11 of a municipal police department of any city or city and  
 12 county, or any other person issuing a license pursuant to  
 13 Section ~~12025~~ 12050, is not liable for an injury caused by  
 14 his or her issuance, denial, suspension, or revocation of, or  
 15 by his or her failure or refusal to issue, deny, suspend, or  
 16 revoke, any license pursuant to Section ~~12025~~ 12050  
 17 where he or she is authorized by Section ~~12025~~ 12050 to  
 18 determine whether or not the license should be issued,  
 19 denied, suspended, or revoked.

20 ~~SEC. 4. Section 12051 of the Penal Code is amended~~  
 21 ~~to read:~~

22 ~~12051. (a) (1) Applications for licenses shall be filed~~  
 23 ~~in writing, signed by the applicant, and shall state the~~  
 24 ~~name, occupation, residence and business address of the~~  
 25 ~~applicant, his or her age, race, height, weight, color of~~  
 26 ~~eyes and hair, and reason for desiring a license to carry the~~  
 27 ~~weapon. Any license issued upon the application shall set~~  
 28 ~~forth the foregoing data and shall, in addition, contain a~~  
 29 ~~description of the weapon or weapons authorized to be~~  
 30 ~~carried, giving the name of the manufacturer, the serial~~  
 31 ~~number, and the caliber. The license issued to the~~  
 32 ~~licensee may be laminated.~~

33 ~~(2) Applications for amendments to licenses shall be~~  
 34 ~~filed in writing and signed by the applicant, and shall state~~  
 35 ~~what type of amendment is sought pursuant to~~  
 36 ~~subdivision (f) of Section 12050 and the reason for~~  
 37 ~~desiring the amendment.~~

38 ~~(3) Applications for amendments to licenses,~~  
 39 ~~applications for licenses, amendments to licenses, and~~  
 40 ~~licenses shall be uniform throughout the state, upon~~



1 forms to be prescribed by the Attorney General. The  
2 forms shall contain a provision whereby the applicant  
3 attests to the truth of statements contained in the  
4 application.

5 (4) The licensing authority of each city, city and  
6 county, or county shall provide applications for  
7 amendments to licenses and applications for licenses  
8 upon request.

9 (b) Any person who files an application required by  
10 subdivision (a) knowing that statements contained  
11 therein are false is guilty of a misdemeanor.

12 (e) Any person who knowingly makes a false  
13 statement on the application regarding any of the  
14 following shall be guilty of a felony:

15 (1) The denial or revocation of a license, or the denial  
16 of an amendment to a license, issued pursuant to Section  
17 12050.

18 (2) A criminal conviction.

19 (3) A finding of not guilty by reason of insanity.

20 (4) The use of a controlled substance.

21 (5) A dishonorable discharge from military service.

22 (6) A commitment to a mental institution.

23 (7) A renunciation of United States citizenship.

24 SEC. 5. Section 12052.5 is added to the Penal Code, to  
25 read:

26 12052.5. (a) The licensing authority shall give  
27 written notice to the applicant within 90 days of the initial  
28 application for a new license or a license renewal  
29 indicating if the license is approved or denied. Except as  
30 provided in subdivision (b), the notice shall include the  
31 specific reasons that justify the denial of the new license  
32 or license renewal.

33 (b) A licensing authority shall not be required to  
34 include specific reasons that justify the denial of the new  
35 license or license renewal in the notice required pursuant  
36 to this section if the licensing authority has determined  
37 that including the specific reasons would endanger the  
38 safety of another person or compromise an ongoing  
39 investigation.



1 ~~SEC. 6. Section 12053 of the Penal Code is amended~~  
2 ~~to read:~~

3 ~~12053. (a) A record of the following shall be~~  
4 ~~maintained in the office of the licensing authority:~~

5 ~~(1) The denial of a license.~~

6 ~~(2) The denial of an amendment to a license.~~

7 ~~(3) The issuance of a license.~~

8 ~~(4) The amendment of a license.~~

9 ~~(5) The revocation of a license.~~

10 ~~(b) Copies of each of the following shall be filed~~  
11 ~~immediately by the issuing officer or authority with the~~  
12 ~~Department of Justice:~~

13 ~~(1) The denial of a license.~~

14 ~~(2) The denial of an amendment to a license.~~

15 ~~(3) The issuance of a license.~~

16 ~~(4) The amendment of a license.~~

17 ~~(5) The revocation of a license.~~

18 ~~(c) Commencing on or before January 1, 2000, and~~  
19 ~~annually thereafter, each licensing authority shall~~  
20 ~~prepare a report of statistical information concerning~~  
21 ~~applications for licenses, including the race, sex, age, and~~  
22 ~~occupation of both applicants who were issued a license~~  
23 ~~and those who were denied a license, and the reasons for~~  
24 ~~denial of a license. The licensing authority shall make the~~  
25 ~~report available to the public upon request.~~

26 ~~SEC. 7. Section 12054 of the Penal Code is amended~~  
27 ~~to read:~~

28 ~~12054. (a) Each applicant for a new license or for the~~  
29 ~~renewal of a license shall pay at the time of filing his or her~~  
30 ~~application a fee determined by the Department of~~  
31 ~~Justice not to exceed the application processing costs of~~  
32 ~~the Department of Justice for the direct costs of~~  
33 ~~furnishing the report required by Section 12052. After the~~  
34 ~~department establishes fees sufficient to reimburse the~~  
35 ~~department for processing costs, fees charged shall~~  
36 ~~increase at a rate not to exceed the legislatively approved~~  
37 ~~annual cost-of-living adjustments for the department's~~  
38 ~~budget. The officer receiving the application and the fee~~  
39 ~~shall transmit the fee, with the fingerprints if required, to~~  
40 ~~the Department of Justice. The licensing authority of any~~

1 ~~city, city and county, or county may charge an additional~~  
2 ~~fee, not to exceed forty dollars (\$40), for processing the~~  
3 ~~application for a new license, excluding fingerprint and~~  
4 ~~training costs, and shall transmit the additional fee, if any,~~  
5 ~~to the city, city and county, or county treasury. Any~~  
6 ~~additional processing costs, including, but not limited to,~~  
7 ~~polygraphs, drug testing, and psychological evaluation,~~  
8 ~~shall be borne by the licensing authority. The licensing~~  
9 ~~authority may charge an additional fee, not to exceed~~  
10 ~~twenty-five dollars (\$25), for processing the application~~  
11 ~~for a license renewal, and shall transmit the additional fee,~~  
12 ~~if any to the city, city and county, or county treasury.~~

13 ~~(b) In the case of an amended license pursuant to~~  
14 ~~subdivision (f) of Section 12050, the licensing authority of~~  
15 ~~any city, city and county, or county may charge a fee, not~~  
16 ~~to exceed ten dollars (\$10), for processing the amended~~  
17 ~~license and shall transmit the fee to the city, city and~~  
18 ~~county, or county treasury.~~

19 ~~SEC. 8. Notwithstanding Section 17610 of the~~  
20 ~~Government Code, if the Commission on State Mandates~~  
21 ~~determines that this act contains costs mandated by the~~  
22 ~~state, reimbursement to local agencies and school~~  
23 ~~districts for those costs shall be made pursuant to Part 7~~  
24 ~~(commencing with Section 17500) of Division 4 of Title~~  
25 ~~2 of the Government Code. If the statewide cost of the~~  
26 ~~claim for reimbursement does not exceed one million~~  
27 ~~dollars (\$1,000,000), reimbursement shall be made from~~  
28 ~~the State Mandates Claims Fund.~~

29 ~~Notwithstanding Section 17580 of the Government~~  
30 ~~Code, unless otherwise specified, the provisions of this act~~  
31 ~~shall become operative on the same date that the act~~  
32 ~~takes effect pursuant to the California Constitution.~~

33 *SEC. 3. Section 12054 of the Penal Code is amended*  
34 *to read:*

35 12054. (a) Each applicant for a new license or for the  
36 renewal of a license shall pay at the time of filing his or her  
37 application a fee determined by the Department of  
38 Justice not to exceed the application processing costs of  
39 the Department of Justice for the direct costs of  
40 furnishing the report required by Section 12052. After the



1 department establishes fees sufficient to reimburse the  
 2 department for processing costs, fees charged shall  
 3 increase at a rate not to exceed the legislatively approved  
 4 annual cost-of-living adjustments for the department's  
 5 budget. The officer receiving the application and the fee  
 6 shall transmit the fee, with the fingerprints if required, to  
 7 the Department of Justice. The licensing authority of any  
 8 city, *city and county*, or county may charge an additional  
 9 fee, not to exceed ~~three forty dollars~~ ~~(\$3)~~ (\$40), *except*  
 10 *that the fee may be increased at a rate not to exceed any*  
 11 *increase in the California Consumer Price Index as*  
 12 *compiled and reported by the California Department of*  
 13 *Industrial Relations*, for processing the application, and  
 14 shall transmit the additional fee, if any, to the city, *city*  
 15 *and county*, or county treasury.

16 (b) In the case of an amended license pursuant to  
 17 subdivision (f) of Section 12050, the licensing authority of  
 18 any city, *city and county*, or county may charge a fee, not  
 19 to exceed ~~three ten dollars~~ ~~(\$3)~~ (\$10), *except that the fee*  
 20 *may be increased at a rate not to exceed any increase in*  
 21 *the California Consumer Price Index as compiled and*  
 22 *reported by the California Department of Industrial*  
 23 *Relations*, for processing the amended license and shall  
 24 transmit the fee to the city, *city and county*, or county  
 25 treasury.

