

AMENDED IN ASSEMBLY MAY 13, 1998
AMENDED IN ASSEMBLY APRIL 15, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2022

Introduced by Assembly Member Wright

February 18, 1998

An act to amend Sections 12050 and 12054 of, ~~and to add 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, 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 all applicants to complete a specified course of training.~~

~~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.

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 2 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 *employment or* 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 or license renewal, and a fee not to exceed \$10 for processing an amended license.

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 12050 of the Penal Code is
2 amended to read:



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

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

13 (ii) Where the population of the county is less than
14 200,000 persons according to the most recent federal
15 decennial census, a license to carry loaded and exposed
16 in that county a pistol, revolver, or other firearm capable
17 of being concealed upon the person.

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

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

32 (ii) Where the population of the county in which the
33 city is located is less than 200,000 persons according to the
34 most recent federal decennial census, a license to carry
35 loaded and exposed in that county a pistol, revolver, or
36 other firearm capable of being concealed upon the
37 person.

38 (C) The sheriff of a county or the chief or other head
39 of a municipal police department of any city or city and
40 county, upon proof that the person applying is of good



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

19 (D) For the purpose of subparagraph (A), the
 20 applicant shall satisfy any one of the following:

- 21 (i) Resident of the county or a city within the county.
- 22 (ii) Employed within or spends a substantial period of
 23 time conducting business within the county or a city
 24 within the county.
- 25 ~~(iii) Has acquired a current domestic violence~~
 26 ~~restraining order from a court in another county.~~

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

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

35 ~~(F)~~
 36 (E) The course of training may be any course
 37 acceptable to the licensing authority, shall not exceed 16
 38 hours, and shall include instruction on at least firearm
 39 safety and the law regarding the permissible use of a
 40 firearm.



1 (2) (A) (i) Except as otherwise provided in clause
2 (ii) and subparagraph (B) of paragraph (4) of subdivision
3 (f), a license issued pursuant to subparagraph (A) or (B)
4 of paragraph (1) is valid for any period of time not to
5 exceed two years from the date of the license.

6 (ii) If the licensee's place of *employment or* business
7 was the basis for issuance of the license pursuant to
8 subparagraph (A) ~~or (B)~~ of paragraph (1), the license is
9 valid for any period of time not to exceed 90 days from the
10 date of the license.

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

20 (b) A license may include any reasonable restrictions
21 or conditions which the issuing authority deems
22 warranted, including restrictions as to the time, place,
23 manner, and circumstances under which the person may
24 carry a pistol, revolver, or other firearm capable of being
25 concealed upon the person.

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

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

32 (e) (1) The license shall be revoked by the local
33 licensing authority if at any time either the local licensing
34 authority is notified by the Department of Justice that a
35 licensee is within a prohibited class described in Section
36 12021 or 12021.1 of this code or Section 8100 or 8103 of the
37 Welfare and Institutions Code, or the local licensing
38 authority determines that the person is within a
39 prohibited class described in Section 12021 or 12021.1 of



1 this code or Section 8100 or 8103 of the Welfare and
2 Institutions Code.

3 (2) If at any time the Department of Justice
4 determines that a licensee is within a prohibited class
5 described in Section 12021 or 12021.1 of this code or
6 Section 8100 or 8103 of the Welfare and Institutions Code,
7 the department shall immediately notify the local
8 licensing authority of the determination.

9 (3) If the local licensing authority revokes the license,
10 the Department of Justice shall be notified of the
11 revocation pursuant to Section 12053. The licensee shall
12 also be immediately notified of the revocation in writing.

13 (f) (1) A person issued a license pursuant to this
14 section may apply to the licensing authority for an
15 amendment to the license to do one or more of the
16 following:

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

20 (B) Authorize the licensee to carry concealed a pistol,
21 revolver, or other firearm capable of being concealed
22 upon the person.

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

28 (D) Change any restrictions or conditions on the
29 license, including restrictions as to the time, place,
30 manner, and circumstances under which the person may
31 carry a pistol, revolver, or other firearm capable of being
32 concealed upon the person.

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

36 (3) If the licensing authority amends the license, a new
37 license shall be issued to the licensee reflecting the
38 amendments.



1 (4) (A) The licensee shall notify the licensing
2 authority in writing within 10 days of any change in the
3 licensee's place of residence.

4 (B) If the license is one to carry concealed a pistol,
5 revolver, or other firearm capable of being concealed
6 upon the person, then it may not be revoked solely
7 because the licensee changes his or her place of residence
8 to another county if the licensee has not breached any
9 conditions or restrictions set forth in the license or has not
10 fallen into a prohibited class described in Section 12021 or
11 12021.1 of this code or Section 8100 or 8103 of the Welfare
12 and Institutions Code. However, any license issued
13 pursuant to subparagraph (A) or (B) of paragraph (1) of
14 subdivision (a) shall expire 90 days after the licensee
15 moves from the county of issuance if the licensee's place
16 of residence was the basis for issuance of the license.

17 (C) If the license is one to carry loaded and exposed a
18 pistol, revolver, or other firearm capable of being
19 concealed upon the person, the license shall be revoked
20 immediately if the licensee changes his or her place of
21 residence to another county.

22 (5) An amendment to the license does not extend the
23 original expiration date of the license and the license shall
24 be subject to renewal at the same time as if the license had
25 not been amended.

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

28 ~~SEC. 2. Section 12050.5 is added to the Penal Code, to~~
29 ~~read:~~

30 ~~12050.5. (a) The city, county, or city and county is not~~
31 ~~liable for an injury caused by the issuance, denial,~~
32 ~~suspension, or revocation of, or by the failure or refusal to~~
33 ~~issue, deny, suspend, or revoke, any license pursuant to~~
34 ~~Section 12050 where the city, county, or city and county~~
35 ~~or an employee of the city, county, or city and county is~~
36 ~~authorized by Section 12050 to determine whether or not~~
37 ~~the license should be issued, denied, suspended, or~~
38 ~~revoked.~~

39 ~~(b) The sheriff of a county or the chief or other head~~
40 ~~of a municipal police department of any city or city and~~



1 ~~county, or any other person issuing a license pursuant to~~
 2 ~~Section 12050, is not liable for an injury caused by his or~~
 3 ~~her issuance, denial, suspension, or revocation of, or by his~~
 4 ~~or her failure or refusal to issue, deny, suspend, or revoke,~~
 5 ~~any license pursuant to Section 12050 where he or she is~~
 6 ~~authorized by Section 12050 to determine whether or not~~
 7 ~~the license should be issued, denied, suspended, or~~
 8 ~~revoked.~~

9 ~~SEC. 3.~~

10 *SEC. 2.* Section 12054 of the Penal Code is amended
 11 to read:

12 12054. (a) Each applicant for a new license or for the
 13 renewal of a license shall pay at the time of filing his or her
 14 application a fee determined by the Department of
 15 Justice not to exceed the application processing costs of
 16 the Department of Justice for the direct costs of
 17 furnishing the report required by Section 12052. After the
 18 department establishes fees sufficient to reimburse the
 19 department for processing costs, fees charged shall
 20 increase at a rate not to exceed the legislatively approved
 21 annual cost-of-living adjustments for the department's
 22 budget. The officer receiving the application and the fee
 23 shall transmit the fee, with the fingerprints if required, to
 24 the Department of Justice. The licensing authority of any
 25 city, city and county, or county may charge an additional
 26 fee, not to exceed forty dollars (\$40), except that the fee
 27 may be increased at a rate not to exceed any increase in
 28 the California Consumer Price Index as compiled and
 29 reported by the California Department of Industrial
 30 Relations, for processing the application, and shall
 31 transmit the additional fee, if any, to the city, city and
 32 county, or county treasury.

33 (b) In the case of an amended license pursuant to
 34 subdivision (f) of Section 12050, the licensing authority of
 35 any city, city and county, or county may charge a fee, not
 36 to exceed ten dollars (\$10), except that the fee may be
 37 increased at a rate not to exceed any increase in the
 38 California Consumer Price Index as compiled and
 39 reported by the California Department of Industrial
 40 Relations, for processing the amended license and shall



1 transmit the fee to the city, city and county, or county
2 treasury.

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