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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, *12051*, *12053*, and 12054 of, *and to add Sections 12050.2 and 12052.5 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 *employed or* conducting business within, the county *or a city within the county* when application is made to the sheriff. The bill also would require all applicants, *including applicants for*

license renewal, to complete a specified course of training. 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 any liability insurance policy.

Additionally, this bill would require each licensing authority to publish and make available a written policy of the specific criteria implementing these provisions, that are 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 indicating if the application is approved or denied within 90 days of the initial application for anew license or a license renewal or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later.

The bill would require the Attorney General to convene a committee to develop a standard application form for licenses. The bill would require the Attorney General to adopt and implement this standard application form for licenses on or before July 1, 1999. The bill would provide that an applicant shall not be required to complete any additional application of form for a license, or to provide any information other than that necessary to complete the standard application form.

Commencing on or before January 1, 2000, and annually thereafter, the bill would require each licensing authority to submit to the Attorney General the total number of licenses issued to reserve peace officers and judges. The bill would require the Attorney General to collect and record the information submitted by each licensing authority.

By increasing the duties of local law enforcement entities, the bill would impose a state-mandated local program.

(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 3 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, *and would impose additional restrictions and requirements upon such a license.*

(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~~ *in an amount equal to the actual costs* for processing an application for a new license or license renewal, *excluding fingerprint and training costs, but in no case to exceed \$100*, and a fee not to exceed \$10 for processing an amended license. *The bill would provide that no requirement charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant may be imposed by any licensing authority as a condition of the application for a license, and would restrict the collection of the fee for processing an application for a new license or license renewal, as specified.*

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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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,



1 that good cause exists for the issuance, and that the person
2 applying satisfies any one of the conditions specified in
3 subparagraph (D) and has completed a course of training
4 as described in subparagraph (E), may issue to that
5 person a license to carry a pistol, revolver, or other
6 firearm capable of being concealed upon the person in
7 either one of the following formats:

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

11 (ii) Where the population of the county is less than
12 200,000 persons according to the most recent federal
13 decennial census, a license to carry loaded and exposed
14 in that county a pistol, revolver, or other firearm capable
15 of being concealed upon the person.

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

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

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

34 (C) The sheriff of a county or the chief or other head
35 of a municipal police department of any city or city and
36 county, upon proof that the person applying is of good
37 moral character, that good cause exists for the issuance,
38 and that the person applying is a person who has been
39 deputized or appointed as a peace officer pursuant to
40 subdivision (a) or (b) of Section 830.6 by that sheriff or



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

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

17 (i) Resident of the county or a city within the county.

18 ~~(ii) Employed within or spends a substantial period of~~
19 ~~time conducting business within the county or a city~~
20 ~~within the county.~~

21 *(ii) Spends a substantial period of time employed or*
22 *conducting business within the county or a city within the*
23 *county.*

24 (E) ~~The~~*(i) For new license applicants, the* course of
25 training may be any course acceptable to the licensing
26 authority, shall not exceed 16 hours, and shall include
27 instruction on at least firearm safety and the law
28 regarding the permissible use of a firearm.

29 *(ii) For license renewal applicants, the course of*
30 *training may be any course acceptable to the licensing*
31 *authority, shall not exceed four hours, and shall include*
32 *instruction on at least firearm safety and the law*
33 *regarding the permissible use of a firearm.*

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

39 (ii) If the licensee's place of employment or business
40 was the basis for issuance of the license pursuant to



1 subparagraph (A) of paragraph (1), the license is valid for
2 any period of time not to exceed 90 days from the date of
3 the license. *The license shall be valid only in the county*
4 *in which the license was originally issued and the city,*
5 *county, or city and county in which the licensee resides.*
6 *The licensee shall give a copy of this license to the*
7 *licensing authority of the city, county, or city and county*
8 *in which he or she resides. The licensing authority that*
9 *originally issued the license shall inform the licensee*
10 *verbally and in writing in at least 16-point type of this*
11 *obligation to give a copy of the license to the licensing*
12 *authority of the city, county, or city and county of*
13 *residence. Any application to renew or extend the*
14 *validity of, or reissue, such a license may be granted only*
15 *upon the concurrence of the licensing authority that*
16 *originally issued the license, and the licensing authority*
17 *of the city, county, or city and county in which the*
18 *licensee resides.*

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

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

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

39 (d) A license shall not be issued if the Department of
40 Justice determines that the person is within a prohibited



1 class described in Section 12021 or 12021.1 of this code or
2 Section 8100 or 8103 of the Welfare and Institutions Code.

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

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

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

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

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

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

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

38 (D) Change any restrictions or conditions on the
39 license, including restrictions as to the time, place,
40 manner, and circumstances under which the person may



1 carry a pistol, revolver, or other firearm capable of being
 2 concealed upon the person.

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

6 (3) If the licensing authority amends the license, a new
 7 license shall be issued to the licensee reflecting the
 8 amendments.

9 (4) (A) The licensee shall notify the licensing
 10 authority in writing within 10 days of any change in the
 11 licensee’s place of residence.

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

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

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

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

36 (g) *Nothing in this article shall preclude the chief or*
 37 *other head of a municipal police department of any city*
 38 *from entering an agreement with the sheriff of the*
 39 *county in which the city is located for the sheriff to*



1 *process all applications for licenses, renewals of licenses,*
2 *and amendments to licenses, pursuant to this article.*

3 SEC. 2. *Section 12050.2 is added to the Penal Code, to*
4 *read:*

5 *12050.2. Within three months of the effective date of*
6 *the act adding this section, each licensing authority shall*
7 *publish and make available a written policy of the specific*
8 *criteria implementing subparagraphs (A) and (B) of*
9 *paragraph (1) of subdivision (a) of Section 12050, that are*
10 *used by that licensing authority for issuing a license, and*
11 *any specific grounds that would result in the automatic*
12 *denial of a license by that licensing authority. The*
13 *licensing authority also shall include these criteria within*
14 *or attached to the license applications it provides to*
15 *license applicants.*

16 SEC. 3. *Section 12051 of the Penal Code is amended*
17 *to read:*

18 12051. (a) (1) Applications for licenses shall be filed
19 in writing, signed by the applicant, and shall state the
20 name, occupation, residence and business address of the
21 applicant, his or her age, height, weight, color of eyes and
22 hair, and reason for desiring a license to carry the weapon.
23 Any license issued upon the application shall set forth the
24 foregoing data and shall, in addition, contain a description
25 of the weapon or weapons authorized to be carried,
26 giving the name of the manufacturer, the serial number,
27 and the caliber. The license issued to the licensee may be
28 laminated.

29 (2) Applications for amendments to licenses shall be
30 filed in writing and signed by the applicant, and shall state
31 what type of amendment is sought pursuant to
32 subdivision (f) of Section 12050 and the reason for
33 desiring the amendment.

34 (3) (A) Applications for amendments to licenses,
35 applications for licenses, amendments to licenses, and
36 licenses shall be uniform throughout the state, upon
37 forms to be prescribed by the Attorney General. *The*
38 *Attorney General shall convene a committee composed*
39 *of one representative of the California State Sheriffs'*
40 *Association, one representative of the California Police*



1 Chiefs' Association, one representative of the
2 Department of Justice, one representative of the National
3 Rifle Association, and an attorney experienced in
4 litigation regarding the issuance of licenses pursuant to
5 this article to develop a standard application form for
6 licenses. The Attorney General shall adopt and
7 implement this standard application form for licenses on
8 or before July 1, 1999.

9 (B) The forms shall contain a provision whereby the
10 applicant attests to the truth of statements contained in
11 the application.

12 (C) An applicant shall not be required to complete any
13 additional application or form for a license, or to provide
14 any information other than that necessary to complete
15 the standard application form described in subparagraph
16 (A).

17 (D) The Attorney General may adopt and enforce
18 regulations that are necessary, appropriate, or useful to
19 interpret and implement this paragraph pursuant to
20 Chapter 3.5 (commencing with Section 11340) of Part 1
21 of Division 3 of Title 2 of the Government Code. Pending
22 the adoption of those regulations, the Attorney General
23 may adopt emergency regulations that shall become
24 effective immediately. The adoption of the emergency
25 regulations shall be subject to Chapter 3.5 (commencing
26 with Section 11340) of Part 1 of Division 3 of Title 2 of the
27 Government Code, and the emergency regulations shall
28 only be effective until June 30, 1999, or on the effective
29 date of the regulations adopted by the Attorney General
30 to implement this paragraph, whichever occurs first, at
31 which time the emergency regulations shall be deemed
32 to be repealed.

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

36 (c) Any person who knowingly makes a false
37 statement on the application regarding any of the
38 following shall be guilty of a felony:



1 (1) The denial or revocation of a license, or the denial
2 of an amendment to a license, issued pursuant to Section
3 12050.

4 (2) A criminal conviction.

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

6 (4) The use of a controlled substance.

7 (5) A dishonorable discharge from military service.

8 (6) A commitment to a mental institution.

9 (7) A renunciation of United States citizenship.

10 *SEC. 4. Section 12052.5 is added to the Penal Code, to*
11 *read:*

12 *12052.5. The licensing authority shall give written*
13 *notice to the applicant indicating if the license is*
14 *approved or denied within 90 days of the initial*
15 *application for a new license or a license renewal or 30*
16 *days after receipt of the applicant's criminal background*
17 *check from the Department of Justice, whichever is later.*
18 *The notice shall include the specific reasons for the denial*
19 *of the new license or license renewal, which may include*
20 *the applicant's failure to comply with any of the licensing*
21 *criteria used by that licensing agency.*

22 *SEC. 5. Section 12053 of the Penal Code is amended*
23 *to read:*

24 12053. (a) A record of the following shall be
25 maintained in the office of the licensing authority:

26 (1) The denial of a license.

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

28 (3) The issuance of a license.

29 (4) The amendment of a license.

30 (5) The revocation of a license.

31 (b) Copies of each of the following shall be filed
32 immediately by the issuing officer or authority with the
33 Department of Justice:

34 (1) The denial of a license.

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

36 (3) The issuance of a license.

37 (4) The amendment of a license.

38 (5) The revocation of a license.

39 (c) *Commencing on or before January 1, 2000, and*
40 *annually thereafter, each licensing authority shall submit*



1 to the Attorney General the total number of licenses
2 issued to peace officers, pursuant to subparagraph (C) of
3 paragraph (1) of subdivision (a) of Section 12050, and to
4 judges, pursuant to subparagraph (A) or (B) of
5 paragraph (1) of subdivision (a) of Section 12050. The
6 Attorney General shall collect and record the information
7 submitted pursuant to this subdivision by county and
8 licensing authority.

9 SEC. 6. Section 12054 of the Penal Code is amended
10 to read:

11 12054. (a) Each applicant for a new license or for the
12 renewal of a license shall pay at the time of filing his or her
13 application a fee determined by the Department of
14 Justice not to exceed the application processing costs of
15 the Department of Justice for the direct costs of
16 furnishing the report required by Section 12052. After the
17 department establishes fees sufficient to reimburse the
18 department for processing costs, fees charged shall
19 increase at a rate not to exceed the legislatively approved
20 annual cost-of-living adjustments for the department's
21 budget. The officer receiving the application and the fee
22 shall transmit the fee, with the fingerprints if required, to
23 the Department of Justice. The licensing authority of any
24 city, city and county, or county may charge an additional
25 ~~fee, not to exceed forty dollars (\$40), except that the fee~~
26 ~~may be increased at a rate not to exceed any increase in~~
27 ~~the California Consumer Price Index as compiled and~~
28 ~~reported by the California Department of Industrial~~
29 ~~Relations, fee in an amount equal to the actual costs for~~
30 ~~processing the application for a new license, excluding~~
31 ~~fingerprint and training costs, but in no case to exceed~~
32 ~~one hundred dollars (\$100), and shall transmit the~~
33 ~~additional fee, if any, to the city, city and county, or~~
34 ~~county treasury. The first 20 percent of this additional~~
35 ~~local fee may be collected upon filing of the initial~~
36 ~~application. The balance of the fee shall be collected only~~
37 ~~upon issuance of the license.~~

38 (b) In the case of an amended license pursuant to
39 subdivision (f) of Section 12050, the licensing authority of
40 any city, city and county, or county may charge a fee, not



1 to exceed ten dollars (\$10), except that the fee may be
2 increased at a rate not to exceed any increase in the
3 California Consumer Price Index as compiled and
4 reported by the California Department of Industrial
5 Relations, for processing the amended license and shall
6 transmit the fee to the city, city and county, or county
7 treasury.

8 *(c) Except as authorized pursuant to subdivisions (a)*
9 *and (b), no requirement, charge, assessment, fee, or*
10 *condition that requires the payment of any additional*
11 *funds by the applicant may be imposed by any licensing*
12 *authority as a condition of the application for a license.*

13 *SEC. 7. No reimbursement is required by this act*
14 *pursuant to Section 6 of Article XIII B of the California*
15 *Constitution because the only costs that may be incurred*
16 *by a local agency or school district will be incurred*
17 *because this act creates a new crime or infraction,*
18 *eliminates a crime or infraction, or changes the penalty*
19 *for a crime or infraction, within the meaning of Section*
20 *17556 of the Government Code, or changes the definition*
21 *of a crime within the meaning of Section 6 of Article*
22 *XIII B of the California Constitution.*

23 *Notwithstanding Section 17580 of the Government*
24 *Code, unless otherwise specified, the provisions of this act*
25 *shall become operative on the same date that the act*
26 *takes effect pursuant to the California Constitution.*

