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CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2022

**Introduced by Assembly Member Wright
(Principal coauthor: Assembly Member Cardoza)**

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, or

spends a substantial period of time employed or conducting business *at his or her principal place of employment or business* within, the county or a city within the county, *or demonstrates a need for a license due to an exigent circumstance or an emergency*, when application is made to the sheriff. *The bill would provide that a license issued to a person based on the his or her place of employment or business is valid only in the county where it was originally issued and is not valid for more than 90 days, and an application to renew or extend that license may be granted upon the concurrence of the licensing authority that originally issued it and the licensing authority with jurisdiction over the licensee's residence.* 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 provide that a city, city and county, or county may be considered an applicant's "principal place of employment or business" only if the applicant is physically present in that jurisdiction during a substantial part of his or her working hours for purposes of that employment or business.~~

Additionally, this bill would require each licensing authority to publish and make available a written policy summarizing these provisions. ~~The bill also would require that any additional policies and procedures used by the licensing authorities to interpret these provisions be published and made available 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 a new 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 specify that certain provisions of law granting exemption from liability for an injury caused by the issuance of a license would apply to licensing authorities who issue a license pursuant to these provisions.~~



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 or 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 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. *The bill would also provide that if the applicant is a peace officer, the validity of the license issued pursuant to these provisions shall be any period of time not to exceed 5 years, subject to specified conditions.*

(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 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 also authorize the licensing authority to charge an additional fee not to exceed \$25, for processing license renewal applications. The bill would provide that this fee may be increased at a rate not to exceed the California Consumer Price Index, as specified, and shall be transmitted to the treasury of the city, city and county, or county of the licensing authority.* The bill would provide that no *other* 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.~~

The bill also would provide that if psychological testing is required by the licensing authority, the license applicant shall be referred to the expert used by the licensing authority for the psychological testing of its own employees, and would authorize the licensing authority to charge the applicant for the actual cost of the testing in an amount not to exceed \$100.

(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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: 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,
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 (E), 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 is a resident of that city and has completed a
25 course of training as described in subparagraph (E), may
26 issue to that person a license to carry a pistol, revolver, or

1 other firearm capable of being concealed upon the
2 person in either one of the following 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~~—*Is a resident* of the county or a city within
36 the county.

37 (ii) *Spends a substantial period of time employed or*
38 *conducting business within the county or a city within the*
39 *county in the applicant's principal place of employment*
40 *or business.*

1 (iii) *Demonstrates a need for a license due to an*
2 *exigent circumstance or an emergency.*

3 (E) (i) For new license applicants, the course of
4 training may be any course acceptable to the licensing
5 authority, shall not exceed 16 hours, and shall include
6 instruction on at least firearm safety and the law
7 regarding the permissible use of a firearm.
8 *Notwithstanding this clause, the licensing authority may*
9 *require a community college course certified by the*
10 *Commission on Peace Officer Standards and Training, up*
11 *to a maximum of 24 hours, but only if required uniformly*
12 *of all license applicants without exception.*

13 (ii) For license renewal applicants, the course of
14 training may be any course acceptable to the licensing
15 authority, shall not exceed four hours, and shall include
16 instruction on at least firearm safety and the law
17 regarding the permissible use of a firearm.

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

23 (ii) If the licensee's place of employment or business
24 was the basis for issuance of the license pursuant to
25 subparagraph (A) of paragraph (1), the license is valid for
26 any period of time not to exceed 90 days from the date of
27 the license. The license shall be valid only in the county
28 in which the license was originally issued ~~and the city,~~
29 ~~county, or city and county in which the licensee resides..~~
30 The licensee shall give a copy of this license to the
31 licensing authority of the city, county, or city and county
32 in which he or she resides. The licensing authority that
33 originally issued the license shall inform the licensee
34 verbally and in writing in at least 16-point type of this
35 obligation to give a copy of the license to the licensing
36 authority of the city, county, or city and county of
37 residence. Any application to renew or extend the
38 validity of, or reissue, ~~a~~ *the* license may be granted only
39 upon the concurrence of the licensing authority that
40 originally issued the license and the licensing authority of

1 the city, county, or city and county in which the licensee
2 resides.

3 (B) A license issued pursuant to subparagraph (C) of
4 paragraph (1) to a peace officer appointed pursuant to
5 Section 830.6 is valid for any period of time not to exceed
6 ~~three~~ five years from the date of the license, except that
7 the license shall be invalid upon the conclusion of the
8 person's appointment pursuant to Section 830.6 if the
9 ~~three-year~~ five-year period has not otherwise expired or
10 any other condition imposed pursuant to this section does
11 not limit the validity of the license to a shorter time
12 period.

13 ~~(3) The licensing authority shall not require as part of~~
14 ~~the license application, or as a condition of licensure, that~~
15 ~~the applicant provide any liability insurance policy.~~

16 *(3) For purposes of this subdivision, a city, city and*
17 *county, or county may be considered an applicant's*
18 *"principal place of employment or business" only if the*
19 *applicant is physically present in the jurisdiction during*
20 *a substantial part of his or her working hours for purposes*
21 *of that employment or business.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) If the license is one to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person, then it may not be revoked solely because the licensee changes his or her place of residence to another county if the licensee has not breached any conditions or restrictions set forth in the license or has not fallen into a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. However, any license issued pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a) 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.

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

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

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

(g) Nothing in this article shall preclude the chief or other head of a municipal police department of any city 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, renewals of licenses, and amendments to licenses, pursuant to this article.

~~(h) Sections 818.4 and 821.2 of the Government Code shall apply to any licensing authority issuing a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person pursuant to this section.~~

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

1 12050.2. (a) Within three months of the effective
2 date of the act adding this section, each licensing
3 authority shall publish and make available a written
4 policy summarizing the provisions of subparagraphs (A)
5 and (B) of paragraph (1) of subdivision (a) of Section
6 12050.

7 ~~(b) If an issuing agency has any additional policies and~~
8 ~~procedures interpreting the provisions of subparagraphs~~
9 ~~(A) and (B) of paragraph (1) of subdivision (a) of Section~~
10 ~~12050 relating to the potential qualification of the~~
11 ~~applicant, the additional policies and procedures shall~~
12 ~~also be published and made available and included in, or~~
13 ~~attached to, the license application provided to the~~
14 ~~applicant.~~

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

17 12051. (a) (1) Applications for licenses shall be filed
18 in writing, signed by the applicant, and shall state the
19 name, occupation, residence and business address of the
20 applicant, his or her age, height, weight, color of eyes and
21 hair, and reason for desiring a license to carry the weapon.
22 Any license issued upon the application shall set forth the
23 foregoing data and shall, in addition, contain a description
24 of the weapon or weapons authorized to be carried,
25 giving the name of the manufacturer, the serial number,
26 and the caliber. The license issued to the licensee may be
27 laminated.

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

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

1 Department of Justice to develop a standard application
2 form for licenses. The application shall include a section
3 summarizing the statutory provisions of state law that
4 result in the automatic denial of a license. The Attorney
5 General shall adopt and implement this standard
6 application form for licenses on or before July 1, 1999.

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

10 (C) An applicant shall not be required to complete any
11 additional application or form for a license, or to provide
12 any information other than that necessary to complete
13 the standard application form described in subparagraph
14 (A), *except to clarify or interpret information provided*
15 *by the applicant on the standard application form.*

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

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

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

38 (1) The denial or revocation of a license, or the denial
39 of an amendment to a license, issued pursuant to Section
40 12050.

- 1 (2) A criminal conviction.
- 2 (3) A finding of not guilty by reason of insanity.
- 3 (4) The use of a controlled substance.
- 4 (5) A dishonorable discharge from military service.
- 5 (6) A commitment to a mental institution.
- 6 (7) A renunciation of United States citizenship.

7 SEC. 4. Section 12052.5 is added to the Penal Code, to
8 read:

9 12052.5. The licensing authority shall give written
10 notice to the applicant indicating if the license is
11 approved or denied within 90 days of the initial
12 application for a new license or a license renewal or 30
13 days after receipt of the applicant's criminal background
14 check from the Department of Justice, whichever is later.

15 SEC. 5. Section 12053 of the Penal Code is amended
16 to read:

17 12053. (a) A record of the following shall be
18 maintained in the office of the licensing authority:

- 19 (1) The denial of a license.
- 20 (2) The denial of an amendment to a license.
- 21 (3) The issuance of a license.
- 22 (4) The amendment of a license.
- 23 (5) The revocation of a license.

24 (b) Copies of each of the following shall be filed
25 immediately by the issuing officer or authority with the
26 Department of Justice:

- 27 (1) The denial of a license.
- 28 (2) The denial of an amendment to a license.
- 29 (3) The issuance of a license.
- 30 (4) The amendment of a license.
- 31 (5) The revocation of a license.

32 (c) Commencing on or before January 1, 2000, and
33 annually thereafter, each licensing authority shall submit
34 to the Attorney General the total number of licenses
35 issued to peace officers, pursuant to subparagraph (C) of
36 paragraph (1) of subdivision (a) of Section 12050, and to
37 judges, pursuant to subparagraph (A) or (B) of
38 paragraph (1) of subdivision (a) of Section 12050. The
39 Attorney General shall collect and record the information

1 submitted pursuant to this subdivision by county and
2 licensing authority.

3 SEC. 6. Section 12054 of the Penal Code is amended
4 to read:

5 12054. (a) Each applicant for a new license or for the
6 renewal of a license shall pay at the time of filing his or her
7 application a fee determined by the Department of
8 Justice not to exceed the application processing costs of
9 the Department of Justice for the direct costs of
10 furnishing the report required by Section 12052. After the
11 department establishes fees sufficient to reimburse the
12 department for processing costs, fees charged shall
13 increase at a rate not to exceed the legislatively approved
14 annual cost-of-living adjustments for the department's
15 budget. The officer receiving the application and the fee
16 shall transmit the fee, with the fingerprints if required, to
17 the Department of Justice. The licensing authority of any
18 city, city and county, or county may charge an additional
19 fee in an amount equal to the actual costs for processing
20 the application for a new license, excluding fingerprint
21 and training costs, but in no case to exceed one hundred
22 dollars (\$100), and shall transmit the additional fee, if any,
23 to the city, city and county, or county treasury. The first
24 20 percent of this additional local fee may be collected
25 upon filing of the initial application. The balance of the
26 fee shall be collected only upon issuance of the license.

27 *The licensing authority may charge an additional fee,*
28 *not to exceed twenty-five dollars (\$25), for processing the*
29 *application for a license renewal, and shall transmit an*
30 *additional fee, if any, to the city, city and county, or*
31 *county treasury. This fee may be increased at a rate not*
32 *to exceed any increase in the California Consumer Price*
33 *Index as compiled and reported by the California*
34 *Department of Industrial Relations.*

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

1 reported by the California Department of Industrial
2 Relations, for processing the amended license and shall
3 transmit the fee to the city, city and county, or county
4 treasury.

5 (c) *If psychological testing is required by the licensing*
6 *authority, the license applicant shall be referred to the*
7 *expert used by the licensing authority for the*
8 *psychological testing of its own employees. The applicant*
9 *may be charged for the actual cost of the testing in an*
10 *amount not to exceed one hundred dollars (\$100). If the*
11 *application is denied after the applicant has completed*
12 *psychological testing, the applicant may be charged only*
13 *20 percent of the actual cost of the testing, but not to*
14 *exceed twenty dollars (\$20).*

15 (d) Except as authorized pursuant to subdivisions (a)
16 ~~and (b)~~, (b), and (c), no requirement, charge,
17 assessment, fee, or condition that requires the payment
18 of any additional funds by the applicant may be imposed
19 by any licensing authority as a condition of the application
20 for a license.

21 ~~SEC. 7. No reimbursement is required by this act~~
22 ~~pursuant to Section 6 of Article XIII B of the California~~
23 ~~Constitution because the only costs that may be incurred~~
24 ~~by a local agency or school district will be incurred~~
25 ~~because this act creates a new crime or infraction,~~
26 ~~eliminates a crime or infraction, or changes the penalty~~
27 ~~for a crime or infraction, within the meaning of Section~~
28 ~~17556 of the Government Code, or changes the definition~~
29 ~~of a crime within the meaning of Section 6 of Article~~
30 ~~XIII B of the California Constitution.~~

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

35 *SEC. 7. No reimbursement is required by this act*
36 *pursuant to Section 6 of Article XIII B of the California*
37 *Constitution for certain costs that may be incurred by a*
38 *local agency or school district because in that regard this*
39 *act creates a new crime or infraction, eliminates a crime*
40 *or infraction, or changes the penalty for a crime or*

1 *infraction, within the meaning of Section 17556 of the*
2 *Government Code, or changes the definition of a crime*
3 *within the meaning of Section 6 of Article XIII B of the*
4 *California Constitution.*

5 *However, notwithstanding Section 17610 of the*
6 *Government Code, if the Commission on State Mandates*
7 *determines that this act contains other costs mandated by*
8 *the state, reimbursement to local agencies and school*
9 *districts for those costs shall be made pursuant to Part 7*
10 *(commencing with Section 17500) of Division 4 of Title*
11 *2 of the Government Code. If the statewide cost of the*
12 *claim for reimbursement does not exceed one million*
13 *dollars (\$1,000,000), reimbursement shall be made from*
14 *the State Mandates Claims Fund.*

15 *Notwithstanding Section 17580 of the Government*
16 *Code, unless otherwise specified, the provisions of this act*
17 *shall become operative on the same date that the act*
18 *takes effect pursuant to the California Constitution.*

