

AMENDED IN SENATE AUGUST 3, 1998

AMENDED IN SENATE JULY 8, 1998

AMENDED IN SENATE JUNE 25, 1998

AMENDED IN SENATE JUNE 18, 1998

AMENDED IN SENATE JUNE 3, 1998

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
(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 in the applicant's principal place of employment or business in the county or a city within the county, 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 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 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 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 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, 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 4 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 these local fees 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 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. This bill would incorporate additional changes in Section 12050 of the Penal Code enacted by AB 1795 (Ch. 110, Stats. 1998).~~

(5) 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.
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
27 other firearm capable of being concealed upon the
28 person in either one of the following formats:

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

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

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

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

30 (i) Is a resident of the county or a city within the
31 county.

32 (ii) Spends a substantial period of time in the
33 applicant's principal place of employment or business in
34 the county or a city within the county.

35 (E) (i) For new license applicants, the course of
36 training may be any course acceptable to the licensing
37 authority, shall not exceed 16 hours, and shall include
38 instruction on at least firearm safety and the law
39 regarding the permissible use of a firearm.
40 Notwithstanding this clause, the licensing authority may

1 require a community college course certified by the
2 Commission on Peace Officer Standards and Training, up
3 to a maximum of 24 hours, but only if required uniformly
4 of all license applicants without exception.

5 (ii) For license renewal applicants, the course of
6 training may be any course acceptable to the licensing
7 authority, shall be no less than four hours, and shall
8 include instruction on at least firearm safety and the law
9 regarding the permissible use of a firearm.

10 (2) (A) (i) Except as otherwise provided in clause
11 (ii), *subparagraph (C) of this paragraph*, and
12 subparagraph (B) of paragraph (4) of subdivision (f), a
13 license issued pursuant to subparagraph (A) or (B) of
14 paragraph (1) is valid for any period of time not to exceed
15 two years from the date of the license.

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

34 (B) A license issued pursuant to subparagraph (C) of
35 paragraph (1) to a peace officer appointed pursuant to
36 Section 830.6 is valid for any period of time not to exceed
37 four years from the date of the license, except that the
38 license shall be invalid upon the conclusion of the person's
39 appointment pursuant to Section 830.6 if the four-year
40 period has not otherwise expired or any other condition

1 imposed pursuant to this section does not limit the
2 validity of the license to a shorter time period.

3 (C) A license issued pursuant to subparagraph (A) or
4 (B) of paragraph (1) is valid for any period of time not to
5 exceed three years from the date of the license if the
6 license is issued to any of the following individuals:

7 (i) A judge of a California court of record.

8 (ii) A full-time court commissioner of a California
9 court of record.

10 (iii) A judge of a federal court.

11 (iv) A magistrate of a federal court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (g) Nothing in this article shall preclude the chief or
26 other head of a municipal police department of any city
27 from entering an agreement with the sheriff of the
28 county in which the city is located for the sheriff to
29 process all applications for licenses, renewals of licenses,
30 and amendments to licenses, pursuant to this article.

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

33 12050.2. ~~(a)~~ Within three months of the effective
34 date of the act adding this section, each licensing
35 authority shall publish and make available a written
36 policy summarizing the provisions of subparagraphs (A)
37 and (B) of paragraph (1) of subdivision (a) of Section
38 12050.

39 SEC. 3. Section 12051 of the Penal Code is amended
40 to read:

1 12051. (a) (1) Applications for licenses shall be filed
2 in writing, signed by the applicant, and shall state the
3 name, occupation, residence and business address of the
4 applicant, his or her age, height, weight, color of eyes and
5 hair, and reason for desiring a license to carry the weapon.
6 Any license issued upon the application shall set forth the
7 foregoing data and shall, in addition, contain a description
8 of the weapon or weapons authorized to be carried,
9 giving the name of the manufacturer, the serial number,
10 and the caliber. The license issued to the licensee may be
11 laminated.

12 (2) Applications for amendments to licenses shall be
13 filed in writing and signed by the applicant, and shall state
14 what type of amendment is sought pursuant to
15 subdivision (f) of Section 12050 and the reason for
16 desiring the amendment.

17 (3) (A) Applications for amendments to licenses,
18 applications for licenses, amendments to licenses, and
19 licenses shall be uniform throughout the state, upon
20 forms to be prescribed by the Attorney General. The
21 Attorney General shall convene a committee composed
22 of one representative of the California State Sheriffs'
23 Association, one representative of the California Police
24 Chiefs' Association, and one representative of the
25 Department of Justice to develop a standard application
26 form for licenses. The application shall include a section
27 summarizing the statutory provisions of state law that
28 result in the automatic denial of a license. The Attorney
29 General shall adopt and implement this standard
30 application form for licenses on or before July 1, 1999.

31 (B) The forms shall contain a provision whereby the
32 applicant attests to the truth of statements contained in
33 the application.

34 (C) An applicant shall not be required to complete any
35 additional application or form for a license, or to provide
36 any information other than that necessary to complete
37 the standard application form described in subparagraph
38 (A), except to clarify or interpret information provided
39 by the applicant on the standard application form.

1 (D) The Attorney General may adopt and enforce
2 regulations that are necessary, appropriate, or useful to
3 interpret and implement this paragraph pursuant to
4 Chapter 3.5 (commencing with Section 11340) of Part 1
5 of Division 3 of Title 2 of the Government Code. Pending
6 the adoption of those regulations, the Attorney General
7 may adopt emergency regulations that shall become
8 effective immediately. The adoption of the emergency
9 regulations shall be subject to Chapter 3.5 (commencing
10 with Section 11340) of Part 1 of Division 3 of Title 2 of the
11 Government Code, and the emergency regulations shall
12 only be effective until June 30, 1999, or on the effective
13 date of the regulations adopted by the Attorney General
14 to implement this paragraph, whichever occurs first, at
15 which time the emergency regulations shall be deemed
16 to be repealed.

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

20 (c) Any person who knowingly makes a false
21 statement on the application regarding any of the
22 following shall be guilty of a felony:

23 (1) The denial or revocation of a license, or the denial
24 of an amendment to a license, issued pursuant to Section
25 12050.

26 (2) A criminal conviction.

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

28 (4) The use of a controlled substance.

29 (5) A dishonorable discharge from military service.

30 (6) A commitment to a mental institution.

31 (7) A renunciation of United States citizenship.

32 SEC. 4. Section 12052.5 is added to the Penal Code, to
33 read:

34 12052.5. The licensing authority shall give written
35 notice to the applicant indicating if the license is
36 approved or denied within 90 days of the initial
37 application for a new license or a license renewal or 30
38 days after receipt of the applicant's criminal background
39 check from the Department of Justice, whichever is later.

1 SEC. 5. 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 submit
20 to the Attorney General the total number of licenses
21 issued to peace officers, pursuant to subparagraph (C) of
22 paragraph (1) of subdivision (a) of Section 12050, and to
23 judges, pursuant to subparagraph (A) or (B) of
24 paragraph (1) of subdivision (a) of Section 12050. The
25 Attorney General shall collect and record the information
26 submitted pursuant to this subdivision by county and
27 licensing authority.

28 SEC. 6. Section 12054 of the Penal Code is amended
29 to read:

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

1 shall transmit the fee, with the fingerprints if required, to
2 the Department of Justice. The licensing authority of any
3 city, city and county, or county may charge an additional
4 fee in an amount equal to the actual costs for processing
5 the application for a new license, excluding fingerprint
6 and training costs, but in no case to exceed one hundred
7 dollars (\$100), and shall transmit the additional fee, if any,
8 to the city, city and county, or county treasury. The first
9 20 percent of this additional local fee may be collected
10 upon filing of the initial application. The balance of the
11 fee shall be collected only upon issuance of the license.

12 The licensing authority may charge an additional fee,
13 not to exceed twenty-five dollars (\$25), for processing the
14 application for a license renewal, and shall transmit an
15 additional fee, if any, to the city, city and county, or
16 county treasury. These local fees may be increased at a
17 rate not to exceed any increase in the California
18 Consumer Price Index as compiled and reported by the
19 California Department of Industrial Relations.

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

30 (c) If psychological testing is required by the licensing
31 authority, the license applicant shall be referred to the
32 expert used by the licensing authority for the
33 psychological testing of its own employees. The applicant
34 may be charged for the actual cost of the testing in an
35 amount not to exceed one hundred dollars (\$100). ~~If the~~
36 ~~application is denied after the applicant has completed~~
37 ~~psychological testing, the applicant may be charged only~~
38 ~~20 percent of the actual cost of the testing, but not to~~
39 ~~exceed twenty dollars (\$20).~~

(d) Except as authorized pursuant to subdivisions (a), (b), and (c), 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.

~~SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~

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

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

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

1 *Notwithstanding Section 17580 of the Government*
2 *Code, unless otherwise specified, the provisions of this act*
3 *shall become operative on the same date that the act*
4 *takes effect pursuant to the California Constitution.*

