

AMENDED IN ASSEMBLY MARCH 17, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 346

Introduced by Assembly Member Runner

February 11, 1999

An act to amend Sections 7581, ~~7583.37, and 7588~~ of 7582.2, 7583.37, and 7588 of, and to add Sections 7587.15, 7587.16, and 7587.17 to, the Business and Professions Code, and to amend Sections 171b, 171c, 171d, 626.9, 11106, 12027, 12050, and 12053 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 346, as amended, Runner. Concealed firearms: license to carry.

(1) Existing law requires the licensure of any individual, firm, company, association, organization, partnership, or corporation that engages in the provision of private security services. Under existing law, the Director of Consumer Affairs is responsible for administering and enforcing these provisions and is authorized to adopt and enforce reasonable rules fixing the qualifications of licensees and classifying licensees according to the type of business in which they are engaged. Additionally, the Bureau of Security and Investigative Services is required to issue a firearms permit, also known as a firearms qualification card, to a licensee, a qualified manager of a licensee, or a registered uniformed security guard, upon the satisfaction of specified conditions. A licensee is required to complete a course of training in the

carrying and use of firearms and to receive a firearms qualification card prior to carrying a firearm. Existing law prohibits any licensee, qualified manager, or registered security guard, during the course and scope of licensed activity, from carrying a concealed pistol, revolver, or other firearm capable of being concealed upon the person unless certain circumstances apply, including, but not limited to, the person has been issued a license to carry a concealed firearm.

This bill would authorize the Director of Consumer Affairs to establish the qualifications whereby he or she may, *until December 31, 2003*, issue to a person licensed to provide private security services a separate license to carry a nonexposed pistol, revolver, or other firearm capable of being concealed upon the person if the individual meets specified criteria, including ~~that the applicant has had a valid firearms qualification card for the preceding 3 years~~ *the lack of objection by specified local law enforcement officials where the licensee resides and where he or she is employed. The bill would also impose related restrictions, conditions, and requirements upon this approval, including a requirement that the director notifies specified law enforcement officials upon issuance of a license.* The bill would permit a licensee, qualified manager, or registered security guard to carry a concealed pistol, revolver, or other firearm capable of being concealed upon the person, during the course and scope of licensed activity, if he or she has been issued a license to carry that firearm in a nonexposed manner pursuant to these provisions. The bill also would require the Attorney General to keep and properly file information reported to the Department of Justice pursuant to these provisions.

(2) Existing law exempts from the requirements described in (1) above a person who is exclusively and regularly employed by any employer who does not provide contract security services to others, provided that the person at no time carries or uses any deadly weapon, as defined, in the performance of his or her duties.

This bill would provide that tear gas or tear gas weapons are deadly weapons for purposes of this provision, and would additionally require that the employee not carry or use handcuffs for the exemption to apply.



(3) Under existing law, it is a felony or a misdemeanor for any person to carry a concealed firearm upon his or her person or within any vehicle under his or her control or direction. Existing law also makes it a felony or a misdemeanor for any person to bring or possess within any state or local public building or at any meeting required to be open to the public any firearm and certain other weapons, except as specified. It is also a felony or a misdemeanor to bring a loaded firearm into, or possess a loaded firearm within the State Capitol, any office or residence of the Governor or other constitutional officer or legislator, any hearing room in which a legislative committee is conducting a hearing, or the Governor's Mansion, or upon the grounds of the State Capitol, the Governor's Mansion or other residence of the Governor or a constitutional officer, or a legislator.

This bill would exempt from these provisions the carrying of a pistol, revolver, or other firearm capable of being concealed upon the person by a person who is licensed to carry that firearm in a nonexposed manner pursuant to the provisions described in (1) above.

(3)

(4) Existing law authorizes the director to assess enumerated fines for a violation of specified provisions of law relating to private security services.

This bill would authorize the director to assess specified fines for the violation of terms and conditions applicable to concealed firearms licenses issued pursuant to (1) above, and would require the director to revoke the license of a private patrol operator upon the 2nd occurrence of a revocation of a concealed firearm license held by that operator's employee or agent for a violation of those terms and conditions.

(5) 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, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a resident of the county, to issue to that person a license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person, valid for up to one year, or 3 years in the case of a deputized or appointed reserve or auxiliary peace officer.



This bill would prohibit the issuance of a license to a person who is otherwise licensed to provide private security services, or licensed as a private investigator or as an alarm company, and who is applying for a license pursuant to these provisions to carry a concealed firearm in the course and scope of the activities for which he or she was otherwise licensed, unless he or she presents evidence of a current and valid firearms permit issued by the Department of Consumer Affairs. The bill would require the Department of Consumer Affairs to notify the appropriate local licensing authority whenever it revokes a firearms permit issued to a person who is also licensed pursuant to these provisions, and would require the licensing authority to revoke the license of that person upon this notification. The bill also would require local licensing authorities to file specified information with the Department of Consumer Affairs regarding applicants or licensees who are also licensed to provide private security services, or licensed as a private investigator or as an alarm company. By imposing new duties on local licensing authorities, the bill would create a state-mandated local program.

~~(4)~~

(6) The bill would make additional conforming changes.

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 7581 of the Business and
2 Professions Code is amended to read:



1 7581. The director may adopt and enforce reasonable
2 rules, as follows:

3 (a) Classifying licensees according to the type of
4 business regulated by this chapter in which they are
5 engaged, including, but not limited to, persons employed
6 by any lawful business as security guards or patrolpersons,
7 and armored contract carriers and limiting the field and
8 scope of the operations of a licensee to those in which he
9 or she is classified and qualified to engage.

10 (b) Fixing the qualifications of licensees and
11 managers, in addition to those prescribed in this chapter,
12 necessary to promote and protect the public welfare.

13 (c) Carrying out generally the provisions of this
14 chapter, including regulation of the conduct of licensees.

15 (d) Establishing the qualifications which any person
16 employed by a private patrol operator or any lawful
17 business as a security guard or patrolperson, or employed
18 by an armored contract carrier, must meet as a condition
19 of becoming eligible to carry firearms pursuant to
20 subdivision (d) of Section 12031 of the Penal Code.

21 (e) Requiring each uniformed employee of a private
22 patrol operator and each armored vehicle guard, as
23 defined in this chapter, and any other person employed
24 and compensated by a private patrol operator or any
25 lawful business as a security guard or patrolperson and
26 who in the course of this employment carries a deadly
27 weapon to be registered with the bureau upon
28 application on a form prescribed by the director
29 accompanied by the registration fee and by two
30 classifiable sets of fingerprints of the applicant or its
31 equivalent as determined by the director and approved
32 by the Department of Justice; establishing the term of the
33 registration for a period of not less than two nor more
34 than four years; and providing for the renewal thereof
35 upon proper application and payment of the renewal fee.
36 The director may, after opportunity for hearing, refuse
37 this registration to any person who lacks good moral
38 character, and may impose reasonable additional
39 requirements as are necessary to meet local needs and are
40 not inconsistent with the provisions of this chapter.

1 (f) Establishing procedures whereby the local
2 authorities of any city, county, or city and county may file
3 charges with the director alleging that any registered
4 security guard or patrolperson, or anyone who is an
5 applicant for registration, with the bureau fails to meet
6 standards for registration, and providing further for the
7 investigation of the charges.

8 (g) Requiring private patrol operators and any lawful
9 business to maintain detailed records identifying all
10 firearms in their possession or under their control, and the
11 employees or persons authorized to carry or have access
12 to such firearms.

13 (h) Establishing the qualifications which a uniformed
14 employee of a licensee who operates as a private patrol
15 operator must meet as a condition of handling guard dogs.

16 (i) (1) (A) Establishing the qualifications whereby
17 the director may issue to a person licensed pursuant to
18 this chapter a license to carry a nonexposed pistol,
19 revolver, or other firearm capable of being concealed
20 upon the person if the individual meets all of the
21 following criteria:

22 (i) The applicant has had a valid firearms qualification
23 card for the preceding three years.

24 (ii) The applicant has completed an additional
25 eight-hour course of instruction in carrying a nonexposed
26 pistol, revolver, or other firearm capable of being
27 concealed upon the person.

28 (iii) The sheriff of the county or the chief of police or
29 other head of the municipal police department where the
30 applicant resides does not object to the licensee being
31 granted the privilege of carrying a nonexposed pistol,
32 revolver, or other firearm capable of being concealed
33 upon the person.

34 (iv) *The sheriff of the county or the chief of police or*
35 *other head of the municipal police department where the*
36 *private patrol operator employing the licensee is located*
37 *does not object to the licensee being granted the privilege*
38 *of carrying a nonexposed pistol, revolver, or other firearm*
39 *capable of being concealed upon the person.*



1 (v) The applicant has submitted proof to the director
2 that he or she has successfully passed a controlled
3 substance and alcohol screening examination.

4 ~~(v)~~

5 (vi) The applicant has submitted proof to the director
6 that he or she has successfully passed a psychological
7 examination.

8 (B) Any license issued pursuant to this paragraph shall
9 be issued in the name of the applicant and his or her
10 employer.

11 (C) The license or any amendments thereto shall only
12 be valid while the licensee is actively employed by the
13 co-applicant private patrol operator and while the
14 licensee is providing nonuniformed armed security
15 services to a client in accordance with a contract or
16 service agreement.

17 (D) *The director may impose conditions which he or*
18 *she deems warranted, including restrictions as to the*
19 *time, place, manner, and circumstances under which the*
20 *licensee may carry a nonexposed pistol, revolver, or other*
21 *firearm capable of being concealed upon the person,*
22 *apart from those set forth in any other provision*
23 *contained within this subdivision.*

24 (E) *The licensee may only carry a nonexposed pistol,*
25 *revolver, or other firearm capable of being concealed*
26 *upon the person pursuant to this subdivision in the course*
27 *and scope of providing personal protection to another*
28 *person and while going directly to and coming directly*
29 *from that activity.*

30 (F) *The licensee, while carrying a nonexposed pistol,*
31 *revolver, or other firearm capable of being concealed*
32 *upon the person, shall have with him or her at all times*
33 *a copy of the written agreement indicating that he or she*
34 *is providing personal protection to the client or clients*
35 *referred to in that written statement.*

36 (G) The license shall be valid for no more than two
37 years. However, the director may prescribe a shorter
38 period of time for the validity of the license.

39 ~~(E)~~



1 (H) Any license issued pursuant to this paragraph shall
2 be in the form of an endorsement on the licensee's
3 firearms qualification card.

4 ~~(F)~~

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

9 ~~(G)~~

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

12 (K) *When the director issues a license to carry a*
13 *nonexposed pistol, revolver, or other firearm capable of*
14 *being concealed upon the person, he or she shall notify*
15 *the following entities:*

16 (i) *The Department of Justice.*

17 (ii) *The sheriff of the county or the chief of police or*
18 *other head of the municipal police department where the*
19 *licensee resides.*

20 (iii) *The sheriff of the county or the chief of police or*
21 *other head of the municipal police department where the*
22 *private patrol operator employing the licensee is located.*

23 (L) *The director may not issue a license to carry a*
24 *nonexposed pistol, revolver, or other firearm capable of*
25 *being concealed upon the person to an applicant if the*
26 *director determines that a license previously issued to the*
27 *applicant pursuant to this subdivision has been revoked.*

28 (2) Establishing the procedures whereby the director
29 may amend or revoke a license issued pursuant to
30 paragraph (1) of this subdivision.

31 (3) Establishing procedures to fully implement the
32 provisions of this subdivision.

33 (4) *The authority of the director to issue licenses to*
34 *carry a nonexposed pistol, revolver, or other firearm*
35 *capable of being concealed upon the person shall expire*
36 *on December 31, 2003.*

37 (5) *Any license issued pursuant to this section which*
38 *would expire on or after January 1, 2004, shall remain*
39 *effective until it would otherwise lapse in accordance*



1 *with the provisions of this subdivision as it existed on*
2 *December 31, 2003.*

3 SEC. 2. *Section 7582.2 of the Business and Professions*
4 *Code is amended to read:*

5 7582.2. This chapter does not apply to:

6 (a) A person employed exclusively and regularly by
7 any employer who does not provide contract security
8 services for other entities or persons, in connection with
9 the affairs of the employer only and where there exists an
10 employer-employee relationship, if that person at no time
11 carries or uses any deadly weapon *or handcuffs* in the
12 performance of his or her duties. For purposes of this
13 subdivision, “deadly weapon” is defined to include any
14 instrument or weapon of the kind commonly known as a
15 blackjack, slungshot, billy, sandclub, sandbag, metal
16 knuckles, any dirk, dagger, pistol, revolver, or any other
17 firearm, any knife having a blade longer than five inches,
18 any razor with an unguarded blade ~~and~~, any metal pipe
19 or bar used or intended to be used as a club, *and any tear*
20 *gas or tear gas weapon. For purposes of this section, “tear*
21 *gas” has the same meaning as set forth in Section 12401*
22 *of the Penal Code, and “tear gas weapon” has the same*
23 *meaning as set forth in Section 12402 of the Penal Code.*

24 (b) An officer or employee of the United States of
25 America, or of this state or a political subdivision thereof,
26 while the officer or employee is engaged in the
27 performance of his or her official duties, including
28 uniformed peace officers employed part time by a public
29 agency pursuant to a written agreement between a chief
30 of police or sheriff and the public agency, provided the
31 part-time employment does not exceed 50 hours in any
32 calendar month.

33 (c) A person engaged exclusively in the business of
34 obtaining and furnishing information as to the financial
35 rating of persons.

36 (d) A charitable philanthropic society or association
37 duly incorporated under the laws of this state which is
38 organized and maintained for the public good and not for
39 private profit.



1 (e) Patrol special police officers appointed by the
2 police commission of any city, county, or city and county
3 under the express terms of its charter who also under the
4 express terms of the charter (1) are subject to suspension
5 or dismissal after a hearing on charges duly filed with the
6 commission after a fair and impartial trial, (2) must be not
7 less than 18 years of age nor more than 40 years of age, (3)
8 must possess physical qualifications prescribed by the
9 commission, and (4) are designated by the police
10 commission as the owners of a certain beat or territory as
11 may be fixed from time to time by the police commission.

12 (f) An attorney at law in performing his or her duties
13 as an attorney at law.

14 (g) A collection agency or an employee thereof while
15 acting within the scope of his or her employment, while
16 making an investigation incidental to the business of the
17 agency, including an investigation of the location of a
18 debtor or his or her property where the contract with an
19 assignor creditor is for the collection of claims owed or
20 due or asserted to be owed or due or the equivalent
21 thereof.

22 (h) Admitted insurers and agents and insurance
23 brokers licensed by the state, performing duties in
24 connection with insurance transacted by them.

25 (i) Any bank subject to the jurisdiction of the
26 Commissioner of Financial Institutions of the State of
27 California under Division 1 (commencing with Section
28 99) of the Financial Code or the Comptroller of Currency
29 of the United States.

30 (j) A person engaged solely in the business of securing
31 information about persons or property from public
32 records.

33 (k) A peace officer of this state or a political
34 subdivision thereof while the peace officer is employed
35 by a private employer to engage in off-duty employment
36 in accordance with Section 1126 of the Government
37 Code. However, nothing herein shall exempt such peace
38 officer who either contracts for his or her services or the
39 services of others as a private patrol operator or contracts
40 for his or her services as or is employed as an armed



1 private security officer. For purposes of this subdivision,
2 “armed security officer” means an individual who carries
3 or uses a firearm in the course and scope of that contract
4 or employment.

5 (l) A retired peace officer of the state or political
6 subdivision thereof when the retired peace officer is
7 employed by a private employer in employment
8 approved by the chief law enforcement officer of the
9 jurisdiction where the employment takes place, provided
10 that the retired officer is in a uniform of a public law
11 enforcement agency, has registered with the bureau on
12 a form approved by the director, and has met any training
13 requirements or their equivalent as established for
14 security personnel under Section 7583.5. This officer may
15 not carry a loaded or concealed firearm unless he or she
16 is exempted under the provisions of subdivision (a) of
17 Section 12027 of the Penal Code or paragraph (1) of
18 subdivision (b) of Section 12031 of the Penal Code or has
19 met the requirements set forth in Section 12033 of the
20 Penal Code. However, nothing herein shall exempt the
21 retired peace officer who contracts for his or her services
22 or the services of others as a private patrol operator.

23 (m) A licensed insurance adjuster in performing his or
24 her duties within the scope of his or her license as an
25 insurance adjuster.

26 (n) Any savings association subject to the jurisdiction
27 of the Commissioner of Financial Institutions or the
28 Office of Thrift Supervision.

29 (o) Any secured creditor engaged in the repossession
30 of the creditor’s collateral and any lessor engaged in the
31 repossession of leased property in which it claims an
32 interest.

33 (p) A peace officer in his or her official police uniform
34 acting in accordance with subdivisions (c) and (d) of
35 Section 70 of the Penal Code.

36 *SEC. 3.* Section 7583.37 of the Business and
37 Professions Code is amended to read:

38 7583.37. The director may assess fines as enumerated
39 in Article 7 (commencing with Section 7587). Assessment
40 of administrative fines shall be independent of any other



1 action by the bureau or any local, state, or federal
2 governmental agency that may result from a violation of
3 this article. In addition to other prohibited acts under this
4 chapter, no licensee, qualified manager, or registered
5 security guard shall, during the course and scope of
6 licensed activity, do any of the following:

7 (a) Carry any inoperable, replica, or other simulated
8 firearm.

9 (b) Use a firearm in violation of the law, or in knowing
10 violation of the standards for the carrying and usage of
11 firearms as taught in the course of training in the carrying
12 and use of firearms. Unlawful or prohibited uses of
13 firearms shall include, but not be limited to, the following:

14 (1) Illegally using, carrying, or possessing a dangerous
15 weapon.

16 (2) Brandishing a weapon.

17 (3) Drawing a weapon without proper cause.

18 (4) Provoking a shooting incident without cause.

19 (5) Carrying or using a firearm while on duty while
20 under the influence of alcohol or dangerous drugs.

21 (6) Carrying or using a firearm of a caliber for which
22 a firearms permit has not been issued by the bureau.

23 (c) Carry or use a baton in the performance of his or
24 her duties, unless he or she has in his or her possession a
25 valid baton certificate issued pursuant to Section 7585.14.

26 (d) Carry or use tear gas or any other nonlethal
27 chemical agent in the performance of his or her duties
28 unless he or she has in his or her possession proof of
29 completion of a course in the carrying and use of tear gas
30 or any other nonlethal chemical agent.

31 (e) Carry a concealed pistol, revolver, or other firearm
32 capable of being concealed upon the person unless one of
33 the following circumstances applies:

34 (1) The person has been issued a permit to carry a
35 pistol, revolver, or other firearm capable of being
36 concealed upon the person in a concealed manner by a
37 local law enforcement agency pursuant to Section 12050
38 of the Penal Code.

39 (2) The person is employed as a guard or messenger of
40 a common carrier, bank, or other financial institution and



1 he or she carries the weapon while actually employed in
2 and about the shipment, transportation, or delivery of any
3 money, treasure, bullion, bonds, or other thing of value
4 within this state, as specified in subdivision (e) of Section
5 12027 of the Penal Code.

6 (3) The person is an honorably retired peace officer
7 authorized to carry a concealed firearm pursuant to
8 subdivision (a) or (i) of Section 12027 of the Penal Code.

9 (4) The person is a duly appointed peace officer, as
10 defined in Chapter 4.5 (commencing with Section 830) of
11 Title 3 of Part 2 of the Penal Code, who is authorized to
12 carry a concealed firearm in the course and scope of his
13 or her employment pursuant to subdivision (a) of Section
14 12027 of the Penal Code.

15 (5) The person has been issued a license to carry a
16 nonexposed pistol, revolver, or other firearm capable of
17 being concealed upon the person by the director
18 pursuant to subdivision (i) of Section 7581.

19 *(f) Carry a nonexposed pistol, revolver, or other*
20 *firearm capable of being concealed upon the person in*
21 *violation of the terms and conditions set forth in*
22 *subdivision (i) of Section 7581, or in violation of terms and*
23 *conditions set forth by the director pursuant to that*
24 *subdivision.*

25 ~~SEC. 3.~~

26 *SEC. 4. Section 7587.15 is added to the Business and*
27 *Professions Code, to read:*

28 *The director shall assess fines for the following acts*
29 *pursuant to Article 4 (commencing with Section 7583)*
30 *only as follows:*

31 *(a) Violation of subdivision (f) of Section 7583.37; five*
32 *hundred dollars (\$500) for each violation.*

33 *(b) On a private patrol operator who contributes to a*
34 *violation by his or her employee or agent of subdivision*
35 *(f) of Section 7583.37; one thousand dollars (\$1,000) for*
36 *each violation.*

37 *SEC. 5. Section 7587.16 is added to the Business and*
38 *Professions Code, to read:*

39 *7587.16. The director shall revoke a license to carry a*
40 *nonexposed pistol, revolver, or other firearm capable of*



1 *being concealed upon the person issued pursuant to*
2 *subdivision (i) of Section 7581 if he or she determines that*
3 *the holder of that license has violated the terms and*
4 *conditions of that license, either as set forth by the*
5 *director or which are conditions of the license as set forth*
6 *in subdivision (i) of Section 7581.*

7 *SEC. 6. Section 7587.17 is added to the Business and*
8 *Professions Code, to read:*

9 *7587.17. The director shall revoke the license of a*
10 *private patrol operator licensee if the director*
11 *determines both of the following are true:*

12 *(a) An agent or employee of that private patrol*
13 *operator, while acting as an agent or employee of that*
14 *private patrol operator, who was issued a license to carry*
15 *a nonexposed pistol, revolver, or other firearm capable of*
16 *being concealed upon the person pursuant to subdivision*
17 *(i) of Section 7581, had on a previous occasion had that*
18 *license revoked for violating the terms and conditions of*
19 *that license, either as set forth by the director or which*
20 *were conditions of the license as set forth in subdivision*
21 *(i) of Section 7581.*

22 *(b) In the present proceeding an agent or employee*
23 *of that private patrol operator, while acting as an agent*
24 *or employee of that private patrol operator, who was*
25 *issued a license to carry a nonexposed pistol, revolver, or*
26 *other firearm capable of being concealed upon the*
27 *person pursuant to subdivision (i) of Section 7581, had*
28 *that license revoked for violating the terms and*
29 *conditions of that license, either as set forth by the*
30 *director or which were conditions of the license as set*
31 *forth in subdivision (i) of Section 7581.*

32 *SEC. 7. Section 7588 of the Business and Professions*
33 *Code, as added by Section 24 of Chapter 401 of the*
34 *Statutes of 1997, is amended to read:*

35 *7588. The fees prescribed by this chapter are as*
36 *follows:*

37 *(a) The application and examination fee for an*
38 *original license for a private patrol operator may not*
39 *exceed two hundred dollars (\$200).*



1 (b) The application fee for an original branch office
2 certificate for a private patrol operator may not exceed
3 seventy-five dollars (\$75).

4 (c) The fee for an original license for a private patrol
5 operator may not exceed five hundred dollars (\$500).

6 (d) The renewal fee is as follows:

7 (1) For a license as a private patrol operator, the fee
8 may not exceed five hundred dollars (\$500).

9 (2) For a combination license as a private investigator
10 under Chapter 11.3 (commencing with Section 7512) and
11 private patrol operator, AC or DC prefix, the fee may not
12 exceed six hundred dollars (\$600).

13 (3) For a branch office certificate for a combination
14 private investigator under Chapter 11.3 (commencing
15 with Section 7512) and private patrol operator, the fee
16 may not exceed forty dollars (\$40), and for a private
17 patrol operator, the fee may not exceed seventy-five
18 dollars (\$75).

19 (e) The delinquency fee is 50 percent of the renewal
20 fee in effect on the date of expiration.

21 (f) A reinstatement fee is equal to the amount of the
22 renewal fee plus the regular delinquency fee.

23 (g) The fee for reexamination of an applicant or his or
24 her manager may not exceed twenty dollars (\$20).

25 (h) Registration fees pursuant to this chapter are as
26 follows:

27 (1) A registration fee for a security guard may not
28 exceed twenty-five dollars (\$25).

29 (2) A security guard registration renewal fee may not
30 exceed twenty-five dollars (\$25).

31 (i) Fees to carry out other provisions of this chapter
32 are as follows:

33 (1) A firearms qualification fee may not exceed eighty
34 dollars (\$80).

35 (2) A firearms requalification fee may not exceed sixty
36 dollars (\$60).

37 (3) An initial baton certification fee may not exceed
38 fifty dollars (\$50).



1 (4) An application fee and renewal fee for certification
2 as a firearms training facility or a baton training facility
3 may not exceed five hundred dollars (\$500).

4 (5) An application fee and renewal fee for certification
5 as a firearms training instructor or a baton training
6 instructor may not exceed two hundred fifty dollars
7 (\$250).

8 (6) A fee not to exceed one hundred fifty dollars
9 (\$150) to cover the costs associated with the application
10 for and issuance of a license to carry a nonexposed pistol,
11 revolver, or other firearm capable of being concealed
12 upon the person pursuant to subdivision (i) of Section
13 7581.

14 (7) A fee not to exceed one hundred dollars (\$100) to
15 cover the costs associated with the application for and
16 renewal of a license to carry a nonexposed pistol,
17 revolver, or other firearm capable of being concealed
18 upon the person pursuant to subdivision (i) of Section
19 7581.

20 (8) A fee not to exceed fifty dollars (\$50) to cover the
21 costs associated with the application for and issuance of an
22 amended license to carry a nonexposed pistol, revolver,
23 or other firearm capable of being concealed upon the
24 person pursuant to subdivision (i) of Section 7581.

25 This section shall become operative July 1, 1998.
26 Notwithstanding the operative date of this section,
27 before, on, or after July 1, 1998, the bureau may adopt
28 regulations specifying the fees authorized by this section.
29 If the bureau does not have regulations in effect that
30 delineate the specific fees authorized by this section by
31 July 1, 1998, the schedule of fees in effect as of June 30,
32 1998, shall remain operative until the bureau adopts
33 regulations specifying the fees.

34 ~~SEC. 4.~~

35 *SEC. 8.* Section 171b of the Penal Code is amended to
36 read:

37 171b. (a) Any person who brings or possesses within
38 any state or local public building or at any meeting
39 required to be open to the public pursuant to Chapter 9
40 (commencing with Section 54950) of Part 1 of Division 2



1 of Title 5 of, or Article 9 (commencing with Section
2 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of, the
3 Government Code, any of the following is guilty of a
4 public offense punishable by imprisonment in a county
5 jail for not more than one year, or in the state prison:

6 (1) Any firearm.

7 (2) Any deadly weapon described in Section 653k or
8 12020.

9 (3) Any knife with a blade length in excess of four
10 inches, the blade of which is fixed or is capable of being
11 fixed in an unguarded position by the use of one or two
12 hands.

13 (4) Any unauthorized tear gas weapon.

14 (5) Any taser or stun gun, as defined in Section 244.5.

15 (6) Any instrument that expels a metallic projectile,
16 such as a BB or pellet, through the force of air pressure,
17 CO₂ pressure, or spring action, or any spot marker gun or
18 paint gun.

19 (b) Subdivision (a) shall not apply to, or affect, any of
20 the following:

21 (1) A person who possesses weapons in, or transports
22 weapons into, a court of law to be used as evidence.

23 (2) (A) A duly appointed peace officer as defined in
24 Chapter 4.5 (commencing with Section 830) of Title 3 of
25 Part 2, a retired peace officer with authorization to carry
26 concealed weapons as described in subdivision (a) of
27 Section 12027, a full-time paid peace officer of another
28 state or the federal government who is carrying out
29 official duties while in California, or any person
30 summoned by any of these officers to assist in making
31 arrests or preserving the peace while he or she is actually
32 engaged in assisting the officer.

33 (B) Notwithstanding subparagraph (A), subdivision
34 (a) shall apply to any person who brings or possesses any
35 weapon specified therein within any courtroom if he or
36 she is a party to an action pending before the court.

37 (3) A person holding a valid license to carry the
38 firearm pursuant to Article 3 (commencing with Section
39 12050) of Chapter 1 of Title 2 of Part 4.



1 (4) A person who has permission to possess that
2 weapon granted in writing by a duly authorized official
3 who is in charge of the security of the state or local
4 government building.

5 (5) A person who lawfully resides in, lawfully owns, or
6 is in lawful possession of, that building with respect to
7 those portions of the building that are not owned or leased
8 by the state or local government.

9 (6) A person licensed or registered in accordance
10 with, and acting within the course and scope of, Chapter
11 11.5 (commencing with Section 7512) or Chapter 11.6
12 (commencing with Section 7590) of Division 3 of the
13 Business and Professions Code who has been hired by the
14 owner or manager of the building if the person has
15 permission pursuant to paragraph (5).

16 (7) The carrying of a pistol, revolver, or other firearm
17 capable of being concealed upon the person by a person
18 who is licensed to carry that firearm in a nonexposed
19 manner pursuant to subdivision (i) of Section 7581 of the
20 Business and Professions Code.

21 (c) As used in this section, “state or local public
22 building” means a building that meets all of the following
23 criteria:

24 (1) It is a building or part of a building owned or leased
25 by the state or local government, if state or local public
26 employees are regularly present for the purposes of
27 performing their official duties. A state or local public
28 building includes, but is not limited to, a building that
29 contains a courtroom.

30 (2) It is not a building or facility, or a part thereof, that
31 is referred to in Section 171c, 171d, 626.9, 626.95, or 626.10
32 of this code, or in Section 18544 of the Elections Code.

33 (3) It is a building not regularly used, and not intended
34 to be used, by state or local employees as a place of
35 residence.

36 ~~SEC. 5.~~

37 *SEC. 9.* Section 171c of the Penal Code is amended to
38 read:

39 171c. (a) Any person who brings a loaded firearm
40 into, or possesses a loaded firearm within, the State



1 Capitol, any legislative office, any office of the Governor
2 or other constitutional officer, or any hearing room in
3 which any committee of the Senate or Assembly is
4 conducting a hearing, or upon the grounds of the State
5 Capitol, which is bounded by 10th, L, 15th, and N Streets
6 in the City of Sacramento, shall be punished by
7 imprisonment in the county jail for a period of not more
8 than one year, a fine of not more than one thousand
9 dollars (\$1,000), or both such imprisonment and fine, or
10 by imprisonment in the state prison.

11 (b) Subdivision (a) shall not apply to or affect any of
12 the following:

13 (1) A duly appointed peace officer as defined in
14 Chapter 4.5 (commencing with Section 830) of Title 3 of
15 Part 2, a full-time paid peace officer of another state or the
16 federal government who is carrying out official duties
17 while in California, or any person summoned by any of
18 these officers to assist in making arrests or preserving the
19 peace while he or she is actually engaged in assisting the
20 officer.

21 (2) A member of the military forces of this state or the
22 United States engaged in the performance of his or her
23 duties.

24 (3) A person holding a valid license to carry the
25 firearm pursuant to Article 3 (commencing with Section
26 12050) of Chapter 1 of Title 2 of Part 4.

27 (4) An honorably retired peace officer authorized to
28 carry a concealed or loaded firearm pursuant to
29 subdivision (a) or (i) of Section 12027 or paragraph (1)
30 or (8) of subdivision (b) of Section 12031.

31 (5) The carrying of a pistol, revolver, or other firearm
32 capable of being concealed upon the person by a person
33 who is licensed to carry that firearm in a nonexposed
34 manner pursuant to subdivision (i) of Section 7581 of the
35 Business and Professions Code.

36 ~~(6) The Governor or a member of his or her~~
37 ~~immediate family or a person acting with his or her~~
38 ~~permission with respect to the Governor's Mansion or any~~
39 ~~other residence of the Governor.~~



1 ~~(7) Any other constitutional officer or a member of his~~
2 ~~or her immediate family or a person acting with his or her~~
3 ~~permission with respect to the officer's residence.~~

4 ~~(8) A Member of the Legislature or a member of his or~~
5 ~~her immediate family or a person acting with his or her~~
6 ~~permission with respect to the legislator's residence.~~

7 ~~SEC. 6.~~

8 *SEC. 10.* Section 171d of the Penal Code is amended
9 to read:

10 171d. (a) Any person shall be punished by
11 imprisonment in the county jail for not more than one
12 year, or by fine of not more than one thousand dollars
13 (\$1000), or by both such fine and imprisonment, or by
14 imprisonment in the state prison, if he or she does any of
15 the following:

16 (1) Brings a loaded firearm into, or possesses a loaded
17 firearm within, the Governor's Mansion, or any other
18 residence of the Governor, the residence of any other
19 constitutional officer, or the residence of any Member of
20 the Legislature.

21 (2) Brings a loaded firearm upon, or possesses a loaded
22 firearm upon, the grounds of the Governor's Mansion or
23 any other residence of the Governor, the residence of any
24 other constitutional officer, or the residence of any
25 Member of the Legislature.

26 (b) Subdivision (a) shall not apply to or affect any of
27 the following:

28 (1) A duly appointed peace officer as defined in
29 Chapter 4.5 (commencing with Section 830) of Title 3 of
30 Part 2, a full-time paid peace officer of another state or the
31 federal government who is carrying out official duties
32 while in California, or any person summoned by any of
33 these officers to assist in making arrests or preserving the
34 peace while he or she is actually engaged in assisting the
35 officer.

36 (2) A member of the military forces of this state or the
37 United States engaged in the performance of his or her
38 duties.



1 (3) A person holding a valid license to carry the
2 firearm pursuant to Article 3 (commencing with Section
3 12050) of Chapter 1 of Title 2 of Part 4.

4 (4) An honorably retired peace officer authorized to
5 carry a concealed or loaded firearm pursuant to
6 subdivision (a) or (i) of Section 12027 or paragraph (1)
7 or (8) of subdivision (b) of Section 12031.

8 (5) The carrying of a pistol, revolver, or other firearm
9 capable of being concealed upon the person by a person
10 who is licensed to carry that firearm in a nonexposed
11 manner pursuant to subdivision (i) of Section 7581 of the
12 Business and Professions Code.

13 (6) The Governor or a member of his or her
14 immediate family or a person acting with his or her
15 permission with respect to the Governor's Mansion or any
16 other residence of the Governor.

17 (7) Any other constitutional officer or a member of his
18 or her immediate family or a person acting with his or her
19 permission with respect to the officer's residence.

20 (8) A Member of the Legislature or a member of his or
21 her immediate family or a person acting with his or her
22 permission with respect to the legislator's residence.

23 ~~SEC. 7.~~

24 *SEC. 11.* Section 626.9 of the Penal Code is amended
25 to read:

26 626.9. (a) This section shall be known, and may be
27 cited, as the Gun-Free School Zone Act of 1995.

28 (b) Any person who possesses a firearm in a place that
29 the person knows, or reasonably should know, is a school
30 zone, as defined in paragraph (1) of subdivision (e),
31 unless it is with the written permission of the school
32 district superintendent, his or her designee, or equivalent
33 school authority, shall be punished as specified in
34 subdivision (f).

35 (c) Subdivision (b) shall not apply to the possession of
36 a firearm under any of the following circumstances:

37 (1) Within a place of residence or place of business or
38 on private property, if the place of residence, place of
39 business, or private property is not part of the school



1 grounds and the possession of the firearm is otherwise
2 lawful.

3 (2) The firearm is an unloaded pistol, revolver, or
4 other firearm capable of being concealed on the person
5 and is in a locked container or within the locked trunk of
6 a motor vehicle.

7 This section shall not prohibit or limit the otherwise
8 lawful transportation of any other firearm, other than a
9 pistol, revolver, or other firearm capable of being
10 concealed on the person, in accordance with state law.

11 (3) When the person possessing the firearm
12 reasonably believes that he or she is in grave danger
13 because of circumstances forming the basis of a current
14 restraining order issued by a court against another person
15 or persons who has or have been found to pose a threat
16 to his or her life or safety. This subdivision may not apply
17 when the circumstances involve a mutual restraining
18 order issued pursuant to Division 10 (commencing with
19 Section 6200) of the Family Code absent a factual finding
20 of a specific threat to the person’s life or safety. Upon a
21 trial for violating subdivision (b), the trier of a fact shall
22 determine whether the defendant was acting out of a
23 reasonable belief that he or she was in grave danger.

24 (4) The person is exempt from the prohibition against
25 carrying a concealed firearm pursuant to subdivision (b),
26 (d), (e), (h), or (k) of Section 12027.

27 (d) Except as provided in subdivision (b), it shall be
28 unlawful for any person with reckless disregard for the
29 safety of another, to discharge, or attempt to discharge,
30 a firearm in a school zone, as defined in paragraph (1) of
31 subdivision (e).

32 The prohibition of this subdivision shall not apply to the
33 discharge of a firearm to the extent that the conditions of
34 paragraph (1) of subdivision (c) are satisfied.

35 (e) As used in this section, the following definitions
36 shall apply:

37 (1) “School zone” means an area in, or on the grounds
38 of, a public or private school providing instruction in
39 kindergarten or grades 1 to 12, inclusive, and within a



1 distance of 1,000 feet from the grounds of the public or
2 private school.

3 (2) “Firearm” has the same meaning as that term is
4 given in Section 12001.

5 (3) “Locked container” has the same meaning as that
6 term is given in subdivision (c) of Section 12026.1.

7 (4) “Concealed firearm” has the same meaning as that
8 term is given in Sections 12025 and 12026.1.

9 (f) (1) Any person who violates subdivision (b) by
10 possessing a firearm in, or on the grounds of, a public or
11 private school providing instruction in kindergarten or
12 grades 1 to 12, inclusive, shall be punished by
13 imprisonment in the state prison for two, three, or five
14 years.

15 (2) Any person who violates subdivision (b) by
16 possessing a firearm within a distance of 1,000 feet from
17 the grounds of a public or private school providing
18 instruction in kindergarten or grades 1 to 12, inclusive,
19 shall be punished as follows:

20 (A) By imprisonment in the state prison for two, three,
21 or five years, if any of the following circumstances apply:

22 (i) If the person previously has been convicted of any
23 felony, or of any crime made punishable by Chapter 1
24 (commencing with Section 12000) of Title 2 of Part 4.

25 (ii) If the person is within a class of persons prohibited
26 from possessing or acquiring a firearm pursuant to
27 Section 12021 or 12021.1 of this code or Section 8100 or
28 8103 of the Welfare and Institutions Code.

29 (iii) If the firearm is any pistol, revolver, or other
30 firearm capable of being concealed upon the person and
31 the offense is punished as a felony pursuant to Section
32 12025.

33 (B) By imprisonment in a county jail for not more than
34 one year or by imprisonment in the state prison for two,
35 three, or five years, in all cases other than those specified
36 in subparagraph (A).

37 (3) Any person who violates subdivision (d) shall be
38 punished by imprisonment in the state prison for three,
39 five, or seven years.



1 (g) (1) Every person convicted under this section for
2 a misdemeanor violation of subdivision (b) who has been
3 convicted previously of a misdemeanor offense
4 enumerated in Section 12001.6 shall be punished by
5 imprisonment in a county jail for not less than three
6 months, or if probation is granted or if the execution or
7 imposition of sentence is suspended, it shall be a condition
8 thereof that he or she be imprisoned in a county jail for
9 not less than three months.

10 (2) Every person convicted under this section of a
11 felony violation of subdivision (b) or (d) who has been
12 convicted previously of a misdemeanor offense
13 enumerated in Section 12001.6, if probation is granted or
14 if the execution of sentence is suspended, it shall be a
15 condition thereof that he or she be imprisoned in a county
16 jail for not less than three months.

17 (3) Every person convicted under this section for a
18 felony violation of subdivision (b) or (d) who has been
19 convicted previously of any felony, or of any crime made
20 punishable by Chapter 1 (commencing with Section
21 12000) of Title 2 of Part 4, if probation is granted or if the
22 execution or imposition of sentence is suspended, it shall
23 be a condition thereof that he or she be imprisoned in a
24 county jail for not less than three months.

25 (4) The court shall apply the three-month minimum
26 sentence specified in this subdivision, except in unusual
27 cases where the interests of justice would best be served
28 by granting probation or suspending the execution or
29 imposition of sentence without the minimum
30 imprisonment required in this subdivision or by granting
31 probation or suspending the execution or imposition of
32 sentence with conditions other than those set forth in this
33 subdivision, in which case the court shall specify on the
34 record and shall enter on the minutes the circumstances
35 indicating that the interests of justice would best be
36 served by this disposition.

37 (h) Notwithstanding Section 12026, any person who
38 brings or possesses a loaded firearm upon the grounds of
39 a campus of, or buildings owned or operated for student
40 housing, teaching, research, or administration by, a public



1 or private university or college, that are contiguous or are
2 clearly marked university property, unless it is with the
3 written permission of the university or college president,
4 his or her designee, or equivalent university or college
5 authority, shall be punished by imprisonment in the state
6 prison for two, three, or four years. Notwithstanding
7 subdivision (k), a university or college shall post a
8 prominent notice at primary entrances on noncontiguous
9 property stating that firearms are prohibited on that
10 property pursuant to this subdivision.

11 (i) Notwithstanding Section 12026, any person who
12 brings or possesses a firearm upon the grounds of a
13 campus of, or buildings owned or operated for student
14 housing, teaching, research, or administration by, a public
15 or private university or college, that are contiguous or are
16 clearly marked university property, unless it is with the
17 written permission of the university or college president,
18 his or her designee, or equivalent university or college
19 authority, shall be punished by imprisonment in the state
20 prison for one, two, or three years. Notwithstanding
21 subdivision (k), a university or college shall post a
22 prominent notice at primary entrances on noncontiguous
23 property stating that firearms are prohibited on that
24 property pursuant to this subdivision.

25 (j) For purposes of this section, a firearm shall be
26 deemed to be loaded when there is an unexpended
27 cartridge or shell, consisting of a case which holds a
28 charge of powder and a bullet or shot, in, or attached in
29 any manner to, the firearm, including, but not limited to,
30 in the firing chamber, magazine, or clip thereof attached
31 to the firearm. A muzzle-loader firearm shall be deemed
32 to be loaded when it is capped or primed and has a
33 powder charge and ball or shot in the barrel or cylinder.

34 (k) This section shall not require that notice be posted
35 regarding the proscribed conduct.

36 (l) This section shall not apply to a duly appointed
37 peace officer as defined in Chapter 4.5 (commencing
38 with Section 830) of Title 3 of Part 2, a full-time paid peace
39 officer of another state or the federal government who is
40 carrying out official duties while in California, any person



1 summoned by any of these officers to assist in making
2 arrests or preserving the peace while he or she is actually
3 engaged in assisting the officer, a member of the military
4 forces of this state or of the United States who is engaged
5 in the performance of his or her duties, a person holding
6 a valid license to carry the firearm pursuant to Article 3
7 (commencing with Section 12050) of Chapter 1 of Title
8 2 of Part 4, or an armored vehicle guard, engaged in the
9 performance of his or her duties, as defined in subdivision
10 (e) of Section 7521 of the Business and Professions Code.

11 (m) This section shall not apply to a security guard
12 authorized to carry a loaded firearm pursuant to Section
13 12031.

14 (n) This section shall not apply to an existing shooting
15 range at a public or private school or university or college
16 campus.

17 (o) This section shall not apply to an honorably retired
18 peace officer authorized to carry a concealed or loaded
19 firearm pursuant to subdivision (a) or (i) of Section 12027
20 or paragraph (1) or (8) of subdivision (b) of Section
21 12031.

22 ~~SEC. 8.~~

23 *SEC. 12.* Section 11106 of the Penal Code is amended
24 to read:

25 11106. (a) In order to assist in the investigation of
26 crime, the arrest and prosecution of criminals, and the
27 recovery of lost, stolen, or found property, the Attorney
28 General shall keep and properly file a complete record of
29 all copies of fingerprints, copies of applications for
30 licenses to carry firearms issued pursuant to Section
31 12050, information reported to the Department of Justice
32 pursuant to subdivision (i) of Section 7581 of the Business
33 and Professions Code, information reported to the
34 Department of Justice pursuant to Section 12053, dealers'
35 records of sales of firearms, reports provided pursuant to
36 Section 12072 or 12078, forms provided pursuant to
37 Section 12084, reports provided pursuant to Section 12071
38 that are not dealers' records of sales of firearms, and
39 reports of stolen, lost, found, pledged, or pawned
40 property in any city or county of this state, and shall, upon



1 proper application therefor, furnish to the officers
2 mentioned in Section 11105, hard copy printouts of those
3 records as photographic, photostatic, and nonerasable
4 optically stored reproductions.

5 (b) (1) Notwithstanding subdivision (a), the
6 Attorney General shall not retain or compile any
7 information from reports filed pursuant to subdivision (a)
8 of Section 12078 for firearms that are not pistols,
9 revolvers, or other firearms capable of being concealed
10 upon the person, from forms submitted pursuant to
11 Section 12084 for firearms that are not pistols, revolvers,
12 or other firearms capable of being concealed upon the
13 person, or from dealers' records of sales for firearms that
14 are not pistols, revolvers, or other firearms capable of
15 being concealed upon the person. All copies of the forms
16 submitted, or any information received in electronic
17 form, pursuant to Section 12084 for firearms that are not
18 pistols, revolvers, or other firearms capable of being
19 concealed upon the person, or of the dealers' records of
20 sales for firearms that are not pistols, revolvers, or other
21 firearms capable of being concealed upon the person shall
22 be destroyed within five days of the clearance by the
23 Attorney General, unless the purchaser or transferor is
24 ineligible to take possession of the firearm. All copies of
25 the reports filed, or any information received in
26 electronic form, pursuant to subdivision (a) of Section
27 12078 for firearms that are not pistols, revolvers, or other
28 firearms capable of being concealed upon the person shall
29 be destroyed within five days of the receipt by the
30 Attorney General, unless retention is necessary for use in
31 a criminal prosecution.

32 (2) A peace officer, the Attorney General, a
33 Department of Justice employee designated by the
34 Attorney General, or any authorized local law
35 enforcement employee shall not retain or compile any
36 information from a firearms transaction record, as
37 defined in paragraph (5) of subdivision (c) of Section
38 12071, for firearms that are not pistols, revolvers, or other
39 firearms capable of being concealed upon the person
40 unless retention or compilation is necessary for use in a

1 criminal prosecution or in a proceeding to revoke a
2 license issued pursuant to Section 12071.

3 (3) A violation of this subdivision is a misdemeanor.

4 (c) (1) The Attorney General shall permanently keep
5 and properly file and maintain all information reported
6 to the Department of Justice pursuant to Sections 12071,
7 12072, 12078, 12082, and 12084 or any other law, as to
8 pistols, revolvers, or other firearms capable of being
9 concealed upon the person and maintain a registry
10 thereof.

11 (2) The registry shall consist of all of the following:

12 (A) The name, address, identification of, place of birth
13 (state or country), complete telephone number,
14 occupation, sex, description, and all legal names and
15 aliases ever used by the owner or person being loaned the
16 particular pistol, revolver, or other firearm capable of
17 being concealed upon the person as listed on the
18 information provided to the department on the Dealers'
19 Record of Sale, the Law Enforcement Firearms Transfer
20 (LEFT), as defined in Section 12084, or reports made to
21 the department pursuant to Section 12078 or any other
22 law.

23 (B) The name and address of, and other information
24 about, any person (whether a dealer or a private party)
25 from whom the owner acquired or the person being
26 loaned the particular pistol, revolver, or other firearm
27 capable of being concealed upon the person and when
28 the firearm was acquired or loaned as listed on the
29 information provided to the department on the Dealers'
30 Record of Sale, the LEFT, or reports made to the
31 department pursuant to Section 12078 or any other law.

32 (C) Any waiting period exemption applicable to the
33 transaction which resulted in the owner of or the person
34 being loaned the particular pistol, revolver, or other
35 firearm capable of being concealed upon the person
36 acquiring or being loaned that firearm.

37 (D) The manufacturer's name if stamped on the
38 firearm; model name or number if stamped on the
39 firearm; and, if applicable, the serial number, other
40 number (if more than one serial number is stamped on



1 the firearm), caliber, type of firearm, if the firearm is new
2 or used, barrel length, and color of the firearm.

3 (3) Information in the registry referred to in this
4 subdivision shall, upon proper application therefor, be
5 furnished to the officers referred to in Section 11105 or to
6 the person listed in the registry as the owner or person
7 who is listed as being loaned the particular pistol,
8 revolver, or other firearm capable of being concealed
9 upon the person in the form of hard copy printouts of that
10 information as photographic, photostatic, and
11 nonerasable optically stored reproductions.

12 ~~SEC. 9.~~

13 *SEC. 13.* Section 12027 of the Penal Code is amended
14 to read:

15 12027. Section 12025 does not apply to, or affect, any
16 of the following:

17 (a) (1) (A) Any peace officer, listed in Section 830.1
18 or 830.2, or subdivision (a) of Section 830.33, whether
19 active or honorably retired, other duly appointed peace
20 officers, honorably retired peace officers listed in
21 subdivision (c) of Section 830.5, other honorably retired
22 peace officers who during the course and scope of their
23 employment as peace officers were authorized to, and
24 did, carry firearms, full-time paid peace officers of other
25 states and the federal government who are carrying out
26 official duties while in California, or any person
27 summoned by any of these officers to assist in making
28 arrests or preserving the peace while he or she is actually
29 engaged in assisting that officer. Any peace officer
30 described in this paragraph who has been honorably
31 retired shall be issued an identification certificate by the
32 law enforcement agency from which the officer has
33 retired. The issuing agency may charge a fee necessary to
34 cover any reasonable expenses incurred by the agency in
35 issuing certificates pursuant to this subdivision. As used in
36 this section and Section 12031, the term “honorably
37 retired” includes all peace officers who have qualified for,
38 and have accepted, a service or disability retirement. For
39 purposes of this section and Section 12031, the term



1 “honorably retired” does not include an officer who has
2 agreed to a service retirement in lieu of termination.

3 (B) Any officer, except an officer listed in Section 830.1
4 or 830.2, subdivision (a) of Section 830.33, or subdivision
5 (c) of Section 830.5 who retired prior to January 1, 1981,
6 shall have an endorsement on the identification
7 certificate stating that the issuing agency approves the
8 officer’s carrying of a concealed firearm.

9 (C) No endorsement or renewal endorsement issued
10 pursuant to paragraph (2) shall be effective unless it is in
11 the format set forth in subparagraph (D), except that any
12 peace officer listed in subdivision (f) of Section 830.2 or
13 in subdivision (c) of Section 830.5, who is retired between
14 January 2, 1981, and on or before December 31, 1988, and
15 who is authorized to carry a concealed firearm pursuant
16 to this section, shall not be required to have an
17 endorsement in the format set forth in subparagraph (D)
18 until the time of the issuance, on or after January 1, 1989,
19 of a renewal endorsement pursuant to paragraph (2).

20 (D) A certificate issued pursuant to this paragraph for
21 persons who are not listed in Section 830.1 or 830.2,
22 subdivision (a) of Section 830.33, or subdivision (c) of
23 Section 830.5 or for persons retiring after January 1, 1981,
24 shall be in the following format: it shall be on a 2×3 inch
25 card, bear the photograph of the retiree, the retiree’s
26 name, address, date of birth, the date that the retiree
27 retired, name and address of the agency from which the
28 retiree retired, have stamped on it the endorsement
29 “CCW Approved” and the date the endorsement is to be
30 renewed.

31 (E) For purposes of this section and Section 12031,
32 “CCW” means “carry concealed weapons.”

33 (2) A retired peace officer, except an officer listed in
34 Section 830.1 or 830.2, subdivision (a) of Section 830.33, or
35 subdivision (c) of Section 830.5 who retired prior to
36 January 1, 1981, shall petition the issuing agency for the
37 renewal of his or her privilege to carry a concealed
38 firearm every five years. An honorably retired peace
39 officer listed in Section 830.1 or 830.2, subdivision (a) of
40 Section 830.33, or subdivision (c) of Section 830.5 who



1 retired prior to January 1, 1981, shall not be required to
2 obtain an endorsement from the issuing agency to carry
3 a concealed firearm. The agency from which a peace
4 officer is honorably retired may, upon initial retirement
5 of that peace officer, or at any time subsequent thereto,
6 deny or revoke for good cause the retired officer's
7 privilege to carry a concealed firearm. A peace officer
8 who is listed in Section 830.1 or 830.2, subdivision (a) of
9 Section 830.33, or subdivision (c) of Section 830.5 who
10 retired prior to January 1, 1981, shall have his or her
11 privilege to carry a concealed firearm denied or revoked
12 by having the agency from which the officer retired
13 stamp on the officer's identification certificate "No CCW
14 privilege."

15 (3) An honorably retired peace officer who is listed in
16 subdivision (c) of Section 830.5 and authorized to carry
17 concealed firearms by this subdivision shall meet the
18 training requirements of Section 832 and shall qualify
19 with the firearm at least annually. The individual retired
20 peace officer shall be responsible for maintaining his or
21 her eligibility to carry a concealed firearm. The
22 Department of Justice shall provide subsequent arrest
23 notification pursuant to Section 11105.2 regarding
24 honorably retired peace officers listed in subdivision (c)
25 of Section 830.5 to the agency from which the officer has
26 retired.

27 (b) The possession or transportation of unloaded
28 pistols, revolvers, or other firearms capable of being
29 concealed upon the person as merchandise by a person
30 who is engaged in the business of manufacturing,
31 importing, wholesaling, repairing, or dealing in firearms
32 and who is licensed to engage in that business or the
33 authorized representative or authorized agent of that
34 person while engaged in the lawful course of the business.

35 (c) Members of the Army, Navy, Air Force, Coast
36 Guard, or Marine Corps of the United States, or the
37 National Guard, when on duty, or organizations which
38 are by law authorized to purchase or receive those
39 weapons from the United States or this state.



1 (d) The carrying of unloaded pistols, revolvers, or
2 other firearms capable of being concealed upon the
3 person by duly authorized military or civil organizations
4 while parading, or the members thereof when going to
5 and from the places of meeting of their respective
6 organizations.

7 (e) Guards or messengers of common carriers, banks,
8 and other financial institutions while actually employed
9 in and about the shipment, transportation, or delivery of
10 any money, treasure, bullion, bonds, or other thing of
11 value within this state.

12 (f) Members of any club or organization organized for
13 the purpose of practicing shooting at targets upon
14 established target ranges, whether public or private,
15 while the members are using pistols, revolvers, or other
16 firearms capable of being concealed upon the person
17 upon the target ranges, or transporting these firearms
18 unloaded when going to and from the ranges.

19 (g) Licensed hunters or fishermen carrying pistols,
20 revolvers, or other firearms capable of being concealed
21 upon the person while engaged in hunting or fishing, or
22 transporting those firearms unloaded when going to or
23 returning from the hunting or fishing expedition.

24 (h) Transportation of unloaded firearms by a person
25 operating a licensed common carrier or an authorized
26 agent or employee thereof when transported in
27 conformance with applicable federal law.

28 (i) Upon approval of the sheriff of the county in which
29 they reside, honorably retired federal officers or agents of
30 federal law enforcement agencies, including, but not
31 limited to, the Federal Bureau of Investigation, the Secret
32 Service, the United States Customs Service, the Federal
33 Bureau of Alcohol, Tobacco, and Firearms, the Federal
34 Bureau of Narcotics, the Drug Enforcement
35 Administration, the United States Border Patrol, and
36 officers or agents of the Internal Revenue Service who
37 were authorized to carry weapons while on duty, who
38 were assigned to duty within the state for a period of not
39 less than one year, or who retired from active service in
40 the state.



1 Retired federal officers or agents shall provide the
2 sheriff with certification from the agency from which
3 they retired certifying their service in the state, the
4 nature of their retirement, and indicating the agency's
5 concurrence that the retired federal officer or agent
6 should be accorded the privilege of carrying a concealed
7 firearm.

8 Upon that approval, the sheriff shall issue a permit to
9 the retired federal officer or agent indicating that he or
10 she may carry a concealed firearm in accordance with this
11 subdivision. The permit shall be valid for a period not
12 exceeding five years, shall be carried by the retiree while
13 carrying a concealed firearm, and may be revoked for
14 good cause.

15 The sheriff of the county in which the retired federal
16 officer or agent resides may require recertification prior
17 to a permit renewal, and may suspend the privilege for
18 cause. The sheriff may charge a fee necessary to cover any
19 reasonable expenses incurred by the county.

20 (j) The carrying of a pistol, revolver, or other firearm
21 capable of being concealed upon the person by a person
22 who is authorized to carry that weapon in a concealed
23 manner pursuant to Article 3 (commencing with Section
24 12050).

25 (k) The carrying of a pistol, revolver, or other firearm
26 capable of being concealed upon the person by a person
27 who is licensed to carry that firearm in a nonexposed
28 manner pursuant to subdivision (i) of Section 7581 of the
29 Business and Professions Code.

30 ~~SEC. 10.~~

31 *SEC. 14.* Section 12050 of the Penal Code is amended
32 to read:

33 12050. (a) (1) (A) The sheriff of a county, upon
34 proof that the person applying is of good moral character,
35 that good cause exists for the issuance, and that the person
36 applying satisfies any one of the conditions specified in
37 subparagraph (D) and has completed a course of training
38 as described in subparagraph (E), may issue to that
39 person a license to carry a pistol, revolver, or other



1 firearm capable of being concealed upon the person in
2 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 is less than
7 200,000 persons according to the most recent federal
8 decennial census, a license to carry loaded and exposed
9 in that county a pistol, revolver, or other firearm capable
10 of being concealed upon the person.

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

20 (i) A license to carry concealed a pistol, revolver, or
21 other firearm capable of being concealed upon the
22 person.

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

29 (C) The sheriff of a county or the chief or other head
30 of a municipal police department of any city or city and
31 county, upon proof that the person applying is of good
32 moral character, that good cause exists for the issuance,
33 and that the person applying is a person who has been
34 deputized or appointed as a peace officer pursuant to
35 subdivision (a) or (b) of Section 830.6 by that sheriff or
36 that chief of police or other head of a municipal police
37 department, may issue to that person a license to carry
38 concealed a pistol, revolver, or other firearm capable of
39 being concealed upon the person. Direct or indirect fees
40 for the issuance of a license pursuant to this subparagraph



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

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

12 (i) Is a resident of the county or a city within the
13 county.

14 (ii) Spends a substantial period of time in the
15 applicant's principal place of employment or business in
16 the county or a city within the county.

17 (E) (i) For new license applicants, the course of
18 training may be any course acceptable to the licensing
19 authority, shall not exceed 16 hours, and shall include
20 instruction on at least firearm safety and the law
21 regarding the permissible use of a firearm.
22 Notwithstanding this clause, the licensing authority may
23 require a community college course certified by the
24 Commission on Peace Officer Standards and Training, up
25 to a maximum of 24 hours, but only if required uniformly
26 of all license applicants without exception.

27 (ii) For license renewal applicants, the course of
28 training may be any course acceptable to the licensing
29 authority, shall be no less than four hours, and shall
30 include instruction on at least firearm safety and the law
31 regarding the permissible use of a firearm.

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

38 (ii) If the licensee's place of employment or business
39 was the basis for issuance of the license pursuant to
40 subparagraph (A) of paragraph (1), the license is valid for



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

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

25 (C) A license issued pursuant to subparagraph (A) or
26 (B) of paragraph (1) is valid for any period of time not to
27 exceed three years from the date of the license if the
28 license is issued to any of the following individuals:

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

30 (ii) A full-time court commissioner of a California
31 court of record.

32 (iii) A judge of a federal court.

33 (iv) A magistrate of a federal court.

34 (3) For purposes of this subdivision, a city or county
35 may be considered an applicant's "principal place of
36 employment or business" only if the applicant is
37 physically present in the jurisdiction during a substantial
38 part of his or her working hours for purposes of that
39 employment or business.



1 (b) A license may include any reasonable restrictions
2 or conditions which the issuing authority deems
3 warranted, including restrictions as to the time, place,
4 manner, and circumstances under which the person may
5 carry a pistol, revolver, or other firearm capable of being
6 concealed upon the person.

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

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

14 (2) A license shall not be issued pursuant to this article
15 to a person who is licensed pursuant to Chapter 11.3
16 (commencing with Section 7512), Chapter 11.5
17 (commencing with Section 7580), or Chapter 11.6
18 (commencing with Section 7590), of Division 3 of the
19 Business and Professions Code, and who is applying for a
20 license pursuant to this article to carry a pistol, revolver,
21 or other firearm capable of being concealed upon the
22 person in the course and scope of the activities for which
23 he or she was licensed pursuant to those provisions of the
24 Business and Professions Code, unless he or she presents
25 evidence of a current and valid firearms permit issued by
26 the Department of Consumer Affairs pursuant to those
27 provisions of the Business and Professions Code.

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

38 (2) If at any time the Department of Justice
39 determines that a licensee is within a prohibited class
40 described in Section 12021 or 12021.1 of this code or



1 Section 8100 or 8103 of the Welfare and Institutions Code,
2 the department shall immediately notify the local
3 licensing authority of the determination.

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

8 (4) The Department of Consumer Affairs shall notify
9 the appropriate local licensing authority whenever it
10 revokes a firearms permit issued pursuant to Chapter 11.3
11 (commencing with Section 7512), Chapter 11.5
12 (commencing with Section 7580), or Chapter 11.6
13 (commencing with Section 7590), of Division 3 of the
14 Business and Professions Code to a person who is also
15 licensed pursuant to this article. The licensing authority
16 shall revoke the license of that person upon notification
17 by the Department of Consumer Affairs that his or her
18 firearms permit has been revoked, *if the licensing*
19 *authority issued the licensee a license to carry a*
20 *nonexposed pistol, revolver, or other firearm capable of*
21 *being concealed upon the person in the course and scope*
22 *of his or her activities for which he or she was licensed*
23 *pursuant to those provisions of the Business and*
24 *Professions Code.*

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

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

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

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



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

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

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

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

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

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

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

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

39 (g) Nothing in this article shall preclude the chief or
40 other head of a municipal police department of any city



1 from entering an agreement with the sheriff of the
2 county in which the city is located for the sheriff to
3 process all applications for licenses, renewals of licenses,
4 and amendments to licenses, pursuant to this article.

5 ~~SEC. 11.~~

6 *SEC. 15.* Section 12053 of the Penal Code is amended
7 to read:

8 12053. (a) A record of the following shall be
9 maintained in the office of the licensing authority:

- 10 (1) The denial of a license.
- 11 (2) The denial of an amendment to a license.
- 12 (3) The issuance of a license.
- 13 (4) The amendment of a license.
- 14 (5) The revocation of a license.

15 (b) Copies of each of the following shall be filed
16 immediately by the issuing officer or authority with the
17 Department of Justice:

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

23 (c) Commencing on or before January 1, 2000, and
24 annually thereafter, each licensing authority shall submit
25 to the Attorney General the total number of licenses
26 issued to peace officers, pursuant to subparagraph (C) of
27 paragraph (1) of subdivision (a) of Section 12050, and to
28 judges, pursuant to subparagraph (A) or (B) of
29 paragraph (1) of subdivision (a) of Section 12050. The
30 Attorney General shall collect and record the information
31 submitted pursuant to this subdivision by county and
32 licensing authority.

33 (d) Copies of the records referred to in subdivision (b)
34 shall be filed immediately with the Department of
35 Consumer Affairs when the applicant or licensee is
36 licensed pursuant to Chapter 11.3 (commencing with
37 Section 7512), Chapter 11.5 (commencing with Section
38 7580), or Chapter 11.6 (commencing with Section 7590)
39 of Division 3 of the Business and Professions Code, and
40 was issued or applied for a license to carry a concealed



1 pistol, revolver, or other firearm capable of being
2 concealed upon the person in the course and scope of his
3 or her activities for which he or she was licensed pursuant
4 to those provisions of the Business and Professions Code.

5 ~~SEC. 12.~~

6 *SEC. 16.* Notwithstanding Section 17610 of the
7 Government Code, if the Commission on State Mandates
8 determines that this act contains costs mandated by the
9 state, reimbursement to local agencies and school
10 districts for those costs shall be made pursuant to Part 7
11 (commencing with Section 17500) of Division 4 of Title
12 2 of the Government Code. If the statewide cost of the
13 claim for reimbursement does not exceed one million
14 dollars (\$1,000,000), reimbursement shall be made from
15 the State Mandates Claims Fund.

