

ASSEMBLY BILL

No. 719

Introduced by Assembly Member Briggs

February 24, 1999

An act to amend Section 12050 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 719, as introduced, Briggs. Firearms: license to carry.

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 and completes a specified course of training.

This bill would delete the training requirement.

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

The people of the State of California do enact as follows:

1 SECTION 1. Section 12050 of the Penal Code is
2 amended to read:
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

1 subparagraph (D) and has completed a course of training
2 as described in subparagraph (E), may issue to that
3 person a license to carry a pistol, revolver, or other
4 firearm capable of being concealed upon the person in
5 either one of the following formats:

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

9 (ii) Where the population of the county is less than
10 200,000 persons according to the most recent federal
11 decennial census, a license to carry loaded and exposed
12 in that county a pistol, revolver, or other firearm capable
13 of being concealed upon the person.

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

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

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

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

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

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

15 (i) Is a resident of the county or a city within the
16 county.

17 (ii) Spends a substantial period of time in the
18 applicant's principal place of employment or business in
19 the county or a city within the county.

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

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

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

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

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

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

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

33 (ii) A full-time court commissioner of a California
34 court of record.

35 (iii) A judge of a federal court.

36 (iv) A magistrate of a federal court.

37 (3) For purposes of this subdivision, a city or county
38 may be considered an applicant's "principal place of
39 employment or business" only if the applicant is
40 physically present in the jurisdiction during a substantial

1 part of his or her working hours for purposes of that
2 employment or business.

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

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

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

15 (e) (1) The license shall be revoked by the local
16 licensing authority if at any time either the local licensing
17 authority is notified by the Department of Justice that a
18 licensee is within a prohibited class described in Section
19 12021 or 12021.1 of this code or Section 8100 or 8103 of the
20 Welfare and Institutions Code, or the local licensing
21 authority determines that the person is within a
22 prohibited class described in Section 12021 or 12021.1 of
23 this code or Section 8100 or 8103 of the Welfare and
24 Institutions Code.

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

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

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

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

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

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

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

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

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

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

26 (B) If the license is one to carry concealed a pistol,
27 revolver, or other firearm capable of being concealed
28 upon the person, then it may not be revoked solely
29 because the licensee changes his or her place of residence
30 to another county if the licensee has not breached any
31 conditions or restrictions set forth in the license or has not
32 fallen into a prohibited class described in Section 12021 or
33 12021.1 of this code or Section 8100 or 8103 of the Welfare
34 and Institutions Code. However, any license issued
35 pursuant to subparagraph (A) or (B) of paragraph (1) of
36 subdivision (a) shall expire 90 days after the licensee
37 moves from the county of issuance if the licensee's place
38 of residence was the basis for issuance of the license.

39 (C) If the license is one to carry loaded and exposed a
40 pistol, revolver, or other firearm capable of being

1 concealed upon the person, the license shall be revoked
2 immediately if the licensee changes his or her place of
3 residence to another county.

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

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

10 (g) Nothing in this article shall preclude the chief or
11 other head of a municipal police department of any city
12 from entering an agreement with the sheriff of the
13 county in which the city is located for the sheriff to
14 process all applications for licenses, renewals of licenses,
15 and amendments to licenses, pursuant to this article.

