

AMENDED IN ASSEMBLY JANUARY 14, 2000

AMENDED IN ASSEMBLY JANUARY 4, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

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 amended, 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 provide that ~~active and retired federal law enforcement officials, and~~ persons certified as trainers for purposes of the specified course of training described above, are excepted from the requirement of completing a specified course of training for purposes of renewing a license to carry a concealed firearm.

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
7 subparagraph (D) and has completed a course of training
8 as described in subparagraph (E), may issue to that
9 person a license to carry a pistol, revolver, or other
10 firearm capable of being concealed upon the person in
11 either one of the following formats:

12 (i) A license to carry concealed a pistol, revolver, or
13 other firearm capable of being concealed upon the
14 person.

15 (ii) Where the population of the county is less than
16 200,000 persons according to the most recent federal
17 decennial census, a license to carry loaded and exposed
18 in that county a pistol, revolver, or other firearm capable
19 of being concealed upon the person.

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

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

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



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

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

24 (i) Is a resident of the county or a city within the
25 county.

26 (ii) Spends a substantial period of time in the
27 applicant's principal place of employment or business in
28 the county or a city within the county.

29 (E) (i) For new license applicants, the course of
30 training may be any course acceptable to the licensing
31 authority, shall not exceed 16 hours, and shall include
32 instruction on at least firearm safety and the law
33 regarding the permissible use of a firearm.
34 Notwithstanding this clause, the licensing authority may
35 require a community college course certified by the
36 Commission on Peace Officer Standards and Training, up
37 to a maximum of 24 hours, but only if required uniformly
38 of all license applicants without exception.

39 (ii) For license renewal applicants, the course of
40 training may be any course acceptable to the licensing

1 authority, shall be no less than four hours, and shall
2 include instruction on at least firearm safety and the law
3 regarding the permissible use of a firearm. No course of
4 ~~training shall be required for any active or retired federal~~
5 ~~law enforcement official, or for any person certified by~~
6 ~~training shall be required for any person certified by~~ the
7 licensing authority as a trainer for purposes of this
8 subparagraph, in order for that official or that person to
9 renew a license issued pursuant to this section.

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

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

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

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

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

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

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

10 (iii) A judge of a federal court.

11 (iv) A magistrate of a federal court.

12 (D) A license issued pursuant to subparagraph (A) or
13 (B) of paragraph (1) is valid for any period of time not to
14 exceed four years from the date of the license if the
15 license is issued to a custodial officer who is an employee
16 of the sheriff as provided in Section 831.5, except that the
17 license shall be invalid upon the conclusion of the person's
18 employment pursuant to Section 831.5 if the four-year
19 period has not otherwise expired or any other condition
20 imposed pursuant to this section does not limit the
21 validity of the license to a shorter time period.

22 (3) For purposes of this subdivision, a city or county
23 may be considered an applicant's "principal place of
24 employment or business" only if the applicant is
25 physically present in the jurisdiction during a substantial
26 part of his or her working hours for purposes of that
27 employment or business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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