

ASSEMBLY BILL

No. 1322

Introduced by Assembly Member Oller

February 26, 1999

An act to amend Section 12050 of the Penal Code, relating to concealed weapons licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 1322, as introduced, Oller. Concealed weapons licenses.

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, or spends a substantial period of time in the applicant's principal place of employment or business within, the county or a city within the county when application is made to the sheriff, or the applicant is a resident of the city when application is made to a police chief. Under existing law, a license issued pursuant to these provisions is valid for any period of time not to exceed 2 years from the date of the license, except that if the licensee's place of employment or business was the basis for issuance of the license pursuant to these provisions, the license is valid for any period of time not to exceed 90 days. If the applicant is a judge, court commissioner, or magistrate, the license is valid for any period of time not to exceed 3 years. Existing law also 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, valid for any period of time not to exceed 4 years, to a person who has been deputized or appointed as a reserve peace officer upon proof of specified criteria.

This bill would provide that a license to carry a concealed firearm issued to a custodial officer is valid for any period of time not to exceed 4 years from the date of the license.

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:



1 (i) A license to carry concealed a pistol, revolver, or
2 other firearm capable of being concealed upon the
3 person.

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

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

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

33 (i) Is a resident of the county or a city within the
34 county.

35 (ii) Spends a substantial period of time in the
36 applicant's principal place of employment or business in
37 the county or a city within the county.

38 (E) (i) For new license applicants, the course of
39 training may be any course acceptable to the licensing
40 authority, shall not exceed 16 hours, and shall include

1 instruction on at least firearm safety and the law
2 regarding the permissible use of a firearm.
3 Notwithstanding this clause, the licensing authority may
4 require a community college course certified by the
5 Commission on Peace Officer Standards and Training, up
6 to a maximum of 24 hours, but only if required uniformly
7 of all license applicants without exception.

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

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

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

37 (B) A license issued pursuant to subparagraph (C) of
38 paragraph (1) to a peace officer appointed pursuant to
39 Section 830.6 is valid for any period of time not to exceed
40 four years from the date of the license, except that the

1 license shall be invalid upon the conclusion of the person's
2 appointment pursuant to Section 830.6 if the four-year
3 period has not otherwise expired or any other condition
4 imposed pursuant to this section does not limit the
5 validity of the license to a shorter time period.

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

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

11 (ii) A full-time court commissioner of a California
12 court of record.

13 (iii) A judge of a federal court.

14 (iv) A magistrate of a federal court.

15 (D) *A license issued pursuant to subparagraph (A) or*
16 *(B) of paragraph (1) is valid for any period of time not to*
17 *exceed four years from the date of the license if the*
18 *license is issued to a custodial officer, as described in*
19 *Section 831.5.*

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

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

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

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

38 (e) (1) The license shall be revoked by the local
39 licensing authority if at any time either the local licensing
40 authority is notified by the Department of Justice that a

1 licensee is within a prohibited class described in Section
2 12021 or 12021.1 of this code or Section 8100 or 8103 of the
3 Welfare and Institutions Code, or the local licensing
4 authority determines that the person is within a
5 prohibited class described in Section 12021 or 12021.1 of
6 this code or Section 8100 or 8103 of the Welfare and
7 Institutions Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (g) Nothing in this article shall preclude the chief or
32 other head of a municipal police department of any city
33 from entering an agreement with the sheriff of the
34 county in which the city is located for the sheriff to
35 process all applications for licenses, renewals of licenses,
36 and amendments to licenses, pursuant to this article.