

AMENDED IN ASSEMBLY MAY 18, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1322

**Introduced by Assembly ~~Member Oller~~ Members Oller,
Campbell, Cox, House, Robert Pacheco, and Zettel**
(Coauthors: Senators Haynes and Johannessen)

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 amended, 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. *The license is valid for a period not to exceed 4 years from the date of the license but becomes invalid upon conclusion of the person's appointment, if not already expired or invalid under other provisions of this section.*

This bill would provide that a license to carry a concealed firearm issued to a custodial officer *who is an employee of the sheriff* is valid for any period of time not to exceed 4 years from the date of the license *but becomes invalid upon conclusion of the person's employment as a custodial officer, if not already expired or invalid under other provisions of existing law.*

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



1 in that county a pistol, revolver, or other firearm capable
2 of being concealed upon the person.

3 (B) The chief or other head of a municipal police
4 department of any city or city and county, upon proof
5 that the person applying is of good moral character, that
6 good cause exists for the issuance, and that the person
7 applying is a resident of that city and has completed a
8 course of training as described in subparagraph (E), may
9 issue to that person a license to carry a pistol, revolver, or
10 other firearm capable of being concealed upon the
11 person in 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 in which the
16 city is located is less than 200,000 persons according to the
17 most recent federal decennial census, a license to carry
18 loaded and exposed in that county a pistol, revolver, or
19 other firearm capable of being concealed upon the
20 person.

21 (C) The sheriff of a county or the chief or other head
22 of a municipal police department of any city or city and
23 county, upon proof that the person applying is of good
24 moral character, that good cause exists for the issuance,
25 and that the person applying is a person who has been
26 deputized or appointed as a peace officer pursuant to
27 subdivision (a) or (b) of Section 830.6 by that sheriff or
28 that chief of police or other head of a municipal police
29 department, may issue to that person a license to carry
30 concealed a pistol, revolver, or other firearm capable of
31 being concealed upon the person. Direct or indirect fees
32 for the issuance of a license pursuant to this subparagraph
33 may be waived. The fact that an applicant for a license to
34 carry a pistol, revolver, or other firearm capable of being
35 concealed upon the person has been deputized or
36 appointed as a peace officer pursuant to subdivision (a)
37 or (b) of Section 830.6 shall be considered only for the
38 purpose of issuing a license pursuant to this
39 subparagraph, and shall not be considered for the

1 purpose of issuing a license pursuant to subparagraph (A)
2 or (B).

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

5 (i) Is a resident of the county or a city within the
6 county.

7 (ii) Spends a substantial period of time in the
8 applicant's principal place of employment or business in
9 the county or a city within the county.

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

20 (ii) For license renewal applicants, the course of
21 training may be any course acceptable to the licensing
22 authority, shall be no less than four hours, and shall
23 include instruction on at least firearm safety and the law
24 regarding the permissible use of a firearm.

25 (2) (A) (i) Except as otherwise provided in clause
26 (ii), subparagraphs (C) and (D) of this paragraph, and
27 subparagraph (B) of paragraph (4) of subdivision (f), a
28 license issued pursuant to subparagraph (A) or (B) of
29 paragraph (1) is valid for any period of time not to exceed
30 two years from the date of the license.

31 (ii) If the licensee's place of employment or business
32 was the basis for issuance of the license pursuant to
33 subparagraph (A) of paragraph (1), the license is valid for
34 any period of time not to exceed 90 days from the date of
35 the license. The license shall be valid only in the county
36 in which the license was originally issued. The licensee
37 shall give a copy of this license to the licensing authority
38 of the city, county, or city and county in which he or she
39 resides. The licensing authority that originally issued the
40 license shall inform the licensee verbally and in writing

1 in at least 16-point type of this obligation to give a copy
2 of the license to the licensing authority of the city, county,
3 or city and county of residence. Any application to renew
4 or extend the validity of, or reissue, the license may be
5 granted only upon the concurrence of the licensing
6 authority that originally issued the license and the
7 licensing authority of the city, county, or city and county
8 in which the licensee resides.

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

18 (C) A license issued pursuant to subparagraph (A) or
19 (B) of paragraph (1) is valid for any period of time not to
20 exceed three years from the date of the license if the
21 license is issued to any of the following individuals:

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

23 (ii) A full-time court commissioner of a California
24 court of record.

25 (iii) A judge of a federal court.

26 (iv) A magistrate of a federal court.

27 (D) A license issued pursuant to subparagraph (A) or
28 (B) of paragraph (1) is valid for any period of time not to
29 exceed four years from the date of the license if the
30 license is issued to a custodial officer, ~~as described~~ *who is*
31 *an employee of the sheriff as provided in Section 831.5,*
32 *except that the license shall be invalid upon the*
33 *conclusion of the person's employment pursuant to*
34 *Section 831.5 if the four-year period has not otherwise*
35 *expired or any other condition imposed pursuant to this*
36 *section does not limit the validity of the license to a*
37 *shorter time period.*

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

1 physically present in the jurisdiction during a substantial
2 part of his or her working hours for purposes of that
3 employment or business.

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

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

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

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

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

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

36 (f) (1) A person issued a license pursuant to this
37 section may apply to the licensing authority for an
38 amendment to the license to do one or more of the
39 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.

