

ASSEMBLY BILL

No. 225

Introduced by Assembly Member Miller

February 4, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 225, as introduced, Miller. Firearms: concealed firearm license.

Existing law authorizes the issuance, by the sheriff of a county, of a license to carry a concealed handgun or a loaded and exposed handgun, as specified.

This bill would make technical, nonsubstantive changes to those provisions.

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 amended to
2 read:
3 12050. (a) (1) (A) The sheriff of a county, upon proof that
4 the person applying is of good moral character, that good cause
5 exists for the issuance, and that the person applying satisfies any
6 one of the conditions specified in subparagraph (D) and has
7 completed a course of training as described in subparagraph (E),
8 may issue to that person a license to carry a ~~pistol, revolver, or~~
9 ~~other firearm capable of being concealed upon the person~~ handgun
10 in either one of the following formats:

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

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

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

16 (i) A license to carry concealed a ~~pistol, revolver, or other~~
17 ~~firearm capable of being concealed upon the person~~ *handgun*.

18 (ii) Where the population of the county in which the city is
19 located is less than 200,000 persons according to the most recent
20 federal decennial census, a license to carry loaded and exposed in
21 that county a ~~pistol, revolver, or other firearm capable of being~~
22 ~~concealed upon the person~~ *handgun*.

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

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

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

4 (ii) Spends a substantial period of time in the applicant's
5 principal place of employment or business in the county or a city
6 within the county.

7 (E) (i) For new license applicants, the course of training may
8 be any course acceptable to the licensing authority, shall not exceed
9 16 hours, and shall include instruction on at least firearm safety
10 and the law regarding the permissible use of a firearm.
11 Notwithstanding this clause, the licensing authority may require
12 a community college course certified by the Commission on Peace
13 Officer Standards and Training, up to a maximum of 24 hours, but
14 only if required uniformly of all license applicants without
15 exception.

16 (ii) For license renewal applicants, the course of training may
17 be any course acceptable to the licensing authority, shall be no
18 less than four hours, and shall include instruction on at least firearm
19 safety and the law regarding the permissible use of a firearm. No
20 course of training shall be required for any person certified by the
21 licensing authority as a trainer for purposes of this subparagraph,
22 in order for that person to renew a license issued pursuant to this
23 section.

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

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

1 may be granted only upon the concurrence of the licensing
2 authority that originally issued the license and the licensing
3 authority of the city, county, or city and county in which the
4 licensee resides.

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

13 (C) A license issued pursuant to subparagraph (A) or (B) of
14 paragraph (1) is valid for any period of time not to exceed three
15 years from the date of the license if the license is issued to any of
16 the following individuals:

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

18 (ii) A full-time court commissioner of a California court of
19 record.

20 (iii) A judge of a federal court.

21 (iv) A magistrate of a federal court.

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

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

36 (b) A license may include any reasonable restrictions or
37 conditions which the issuing authority deems warranted, including
38 restrictions as to the time, place, manner, and circumstances under
39 which the person may carry a ~~pistol, revolver, or other firearm~~
40 ~~capable of being concealed upon the person~~ *handgun*.

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

3 (d) A license shall not be issued if the Department of Justice
4 determines that the person is prohibited by state or federal law
5 from possessing, receiving, owning, or purchasing a firearm.

6 (e) (1) The license shall be revoked by the local licensing
7 authority if at any time either the local licensing authority is
8 notified by the Department of Justice that a licensee is prohibited
9 by state or federal law from owning or purchasing firearms, or the
10 local licensing authority determines that the person is prohibited
11 by state or federal law from possessing, receiving, owning, or
12 purchasing a firearm.

13 (2) If at any time the Department of Justice determines that a
14 licensee is prohibited by state or federal law from possessing,
15 receiving, owning, or purchasing a firearm, the department shall
16 immediately notify the local licensing authority of the
17 determination.

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

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

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

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

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

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

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

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

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

9 (B) If the license is one to carry concealed a ~~pistol, revolver, or~~
10 ~~other firearm capable of being concealed upon the person~~ *handgun*,
11 then it may not be revoked solely because the licensee changes his
12 or her place of residence to another county if the licensee has not
13 breached any conditions or restrictions set forth in the license and
14 has not become prohibited by state or federal law from possessing,
15 receiving, owning, or purchasing a firearm. However, any license
16 issued pursuant to subparagraph (A) or (B) of paragraph (1) of
17 subdivision (a) shall expire 90 days after the licensee moves from
18 the county of issuance if the licensee's place of residence was the
19 basis for issuance of the license.

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

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

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

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