

ASSEMBLY BILL

No. 2053

Introduced by Assembly Member Miller

February 18, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2053, as introduced, Miller. Concealed firearms licenses.

Existing law authorizes the sheriff of a county, or the chief or other head of a municipal police department, if good cause exists for the issuance, and subject to certain other criteria, to issue a license to carry a concealed handgun or to carry a loaded and exposed handgun, as specified.

This bill would define “good cause” for these purposes to include self defense, defending the life of another, or preventing crime in which human life is threatened, and would provide procedural guidelines to the issuing authority on determining the presence or absence of “good cause.” The bill would make other technical, nonsubstantive changes.

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 as defined in paragraph (4), exists for the issuance, and that the

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

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

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

14 (B) The chief or other head of a municipal police department
15 of any city or city and county, upon proof that the person applying
16 is of good moral character, that good cause, *as defined in*
17 *paragraph (4)*, exists for the issuance, and that the person applying
18 is a resident of that city and has completed a course of training as
19 described in subparagraph (E), may issue to that person a license
20 to carry a ~~pistol, revolver, or other firearm capable of being~~
21 ~~concealed upon the person~~ handgun in either one of the following
22 formats:

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

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

30 (C) The sheriff of a county or the chief or other head of a
31 municipal police department of any city or city and county, upon
32 proof that the person applying is of good moral character, that
33 good cause, *as defined in paragraph (4)*, exists for the issuance,
34 and that the person applying is a person who has been deputized
35 or appointed as a peace officer pursuant to subdivision (a) or (b)
36 of Section 830.6 by that sheriff or that chief of police or other head
37 of a municipal police department, may issue to that person a license
38 to carry concealed a ~~pistol, revolver, or other firearm capable of~~
39 ~~being concealed upon the person~~ handgun. Direct or indirect fees
40 for the issuance of a license pursuant to this subparagraph may be

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

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

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

11 (ii) Spends a substantial period of time in the applicant's
12 principal place of employment or business in the county or a city
13 within the county.

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

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

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

36 (ii) If the licensee's place of employment or business was the
37 basis for issuance of the license pursuant to subparagraph (A) of
38 paragraph (1), the license is valid for any period of time not to
39 exceed 90 days from the date of the license. The license shall be
40 valid only in the county in which the license was originally issued.

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

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

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

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

25 (ii) A full-time court commissioner of a California court of
26 record.

27 (iii) A judge of a federal court.

28 (iv) A magistrate of a federal court.

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

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

1 jurisdiction during a substantial part of his or her working hours
2 for purposes of that employment or business.

3 (4) (A) *For purposes of this subdivision, good cause for the*
4 *issuance of a license to carry a handgun includes, but is not limited*
5 *to, self defense, defending the life of another, or preventing crime*
6 *in which human life is threatened.*

7 (B) *An applicant shall not be required to prove the existence of*
8 *specific circumstances regarding his or her stated good cause if*
9 *the stated cause is self defense, defending the life of another, or*
10 *preventing crime in which human life is threatened.*

11 (C) *If the applicant's stated cause is not self defense, defending*
12 *the life of another, or preventing crime in which human life is*
13 *threatened, the sheriff or chief or other head of a municipal police*
14 *department of a city or city and county may, by considering the*
15 *following, determine whether the applicant has stated good cause:*

16 (i) *Section 1 of Article 1 of the California Constitution, including*
17 *the declaration of rights providing that all people are by nature*
18 *free and independent and have inalienable rights, and that among*
19 *these are enjoying and defending liberty, acquiring, possessing,*
20 *and protecting property, and pursuing and obtaining safety,*
21 *happiness, and privacy.*

22 (ii) *The value of concealed firearms in deterring violent crime.*

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

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

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

33 (e) (1) The license shall be revoked by the local licensing
34 authority if at any time either the local licensing authority is
35 notified by the Department of Justice that a licensee is prohibited
36 by state or federal law from owning or purchasing firearms, or the
37 local licensing authority determines that the person is prohibited
38 by state or federal law from possessing, receiving, owning, or
39 purchasing a firearm.

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

6 (3) If the local licensing authority revokes the license, the
7 Department of Justice shall be notified of the revocation pursuant
8 to Section 12053. The licensee shall also be immediately notified
9 of the revocation in writing.

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

13 (A) ~~Add or delete authority to carry a particular pistol, revolver,~~
14 ~~or other firearm capable of being concealed upon the person~~
15 *handgun.*

16 (B) ~~Authorize the licensee to carry concealed a pistol, revolver,~~
17 ~~or other firearm capable of being concealed upon the person~~
18 *handgun.*

19 (C) If the population of the county is less than 200,000 persons
20 according to the most recent federal decennial census, authorize
21 the licensee to carry loaded and exposed in only that county a
22 ~~pistol, revolver, or other firearm capable of being concealed upon~~
23 ~~the person~~ *handgun.*

24 (D) Change any restrictions or conditions on the license,
25 including restrictions as to the time, place, manner, and
26 circumstances under which the person may carry a ~~pistol, revolver,~~
27 ~~or other firearm capable of being concealed upon the person~~
28 *handgun.*

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

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

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

37 (B) If the license is one to carry concealed a ~~pistol, revolver, or~~
38 ~~other firearm capable of being concealed upon the person~~ *handgun,*
39 then it may not be revoked solely because the licensee changes his
40 or her place of residence to another county if the licensee has not

1 breached any conditions or restrictions set forth in the license and
2 has not become prohibited by state or federal law from possessing,
3 receiving, owning, or purchasing a firearm. However, any license
4 issued pursuant to subparagraph (A) or (B) of paragraph (1) of
5 subdivision (a) shall expire 90 days after the licensee moves from
6 the county of issuance if the licensee's place of residence was the
7 basis for issuance of the license.

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

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

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

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