

ASSEMBLY BILL

No. 2115

Introduced by Assembly Member Knight

February 18, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2115, as introduced, Knight. Firearms: concealed firearms license: veterans.

Existing law authorizes the sheriff of a county, or the chief or other head of a municipal police department, upon proof that the person applying is of good moral character, that good cause exists, and that the person applying satisfies certain conditions, as specified, to issue a license for the person to carry a concealed handgun, as specified.

This bill would provide, if the person seeking the license is a veteran, that no good cause would need to be shown for issuance, and would require the sheriff or the chief or other head of a municipal police department to issue the license to the veteran if the other criteria described above are met.

By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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 in either
10 one of the following formats, *provided that if the person is a*
11 *veteran, no showing of good cause for issuance shall be required,*
12 *and the sheriff shall issue a license to that person in either one of*
13 *the following formats:*
14 (i) A license to carry concealed a pistol, revolver, or other
15 firearm capable of being concealed upon the person.
16 (ii) Where the population of the county is less than 200,000
17 persons according to the most recent federal decennial census, a
18 license to carry loaded and exposed in only that county a pistol,
19 revolver, or other firearm capable of being concealed upon the
20 person.
21 (B) The chief or other head of a municipal police department
22 of any city or city and county, upon proof that the person applying
23 is of good moral character, that good cause exists for the issuance,
24 and that the person applying is a resident of that city and has
25 completed a course of training as described in subparagraph (E),
26 may issue to that person a license to carry a pistol, revolver, or
27 other firearm capable of being concealed upon the person in either
28 one of the following formats, *provided that if the person is a*
29 *veteran, no showing of good cause for issuance shall be required,*
30 *and the chief or other head of the municipal police department*
31 *shall issue a license to that person in either one of the following*
32 *formats:*
33 (i) A license to carry concealed a pistol, revolver, or other
34 firearm capable of being concealed upon the person.

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

6 (C) The sheriff of a county or the chief or other head of a
7 municipal police department of any city or city and county, upon
8 proof that the person applying is of good moral character, that
9 good cause exists for the issuance, and that the person applying is
10 a person who has been deputized or appointed as a peace officer
11 pursuant to subdivision (a) or (b) of Section 830.6 by that sheriff
12 or that chief of police or other head of a municipal police
13 department, may issue to that person a license to carry concealed
14 a pistol, revolver, or other firearm capable of being concealed upon
15 the person, *provided that if the person is a veteran, no showing of*
16 *good cause for issuance shall be required, and the sheriff, chief,*
17 *or other head of a municipal police department shall issue to that*
18 *person a license to carry concealed a pistol, revolver, or other*
19 *firearm capable of being concealed upon the person.* Direct or
20 indirect fees for the issuance of a license pursuant to this
21 subparagraph may be waived. The fact that an applicant for a
22 license to carry a pistol, revolver, or other firearm capable of being
23 concealed upon the person has been deputized or appointed as a
24 peace officer pursuant to subdivision (a) or (b) of Section 830.6
25 shall be considered only for the purpose of issuing a license
26 pursuant to this subparagraph, and shall not be considered for the
27 purpose of issuing a license pursuant to subparagraph (A) or (B).

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

- 30 (i) Is a resident of the county or a city within the county.
31 (ii) Spends a substantial period of time in the applicant's
32 principal place of employment or business in the county or a city
33 within the county.

34 (E) (i) For new license applicants, the course of training may
35 be any course acceptable to the licensing authority, shall not exceed
36 16 hours, and shall include instruction on at least firearm safety
37 and the law regarding the permissible use of a firearm.
38 Notwithstanding this clause, the licensing authority may require
39 a community college course certified by the Commission on Peace
40 Officer Standards and Training, up to a maximum of 24 hours, but

1 only if required uniformly of all license applicants without
2 exception.

3 (ii) For license renewal applicants, the course of training may
4 be any course acceptable to the licensing authority, shall be no
5 less than four hours, and shall include instruction on at least firearm
6 safety and the law regarding the permissible use of a firearm. No
7 course of training shall be required for any person certified by the
8 licensing authority as a trainer for purposes of this subparagraph,
9 in order for that person to renew a license issued pursuant to this
10 section.

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

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

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

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

- 5 (i) A judge of a California court of record.
- 6 (ii) A full-time court commissioner of a California court of
7 record.
- 8 (iii) A judge of a federal court.
- 9 (iv) A magistrate of a federal court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) If the license is one to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person, then it may not be revoked solely because the licensee changes his or her place of residence to another county if the licensee has not breached any conditions or restrictions set forth in the license and has not become prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm. However, any license

1 issued pursuant to subparagraph (A) or (B) of paragraph (1) of
2 subdivision (a) shall expire 90 days after the licensee moves from
3 the county of issuance if the licensee's place of residence was the
4 basis for issuance of the license.

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

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

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

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

19 SEC. 2. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.