

AMENDMENTS TO SENATE BILL NO. 918
AS AMENDED IN ASSEMBLY JUNE 29, 2022

Amendment 1

In the heading, between lines 1 and 2, insert:

(Principal coauthor: Senator Bradford)
(Principal coauthor: Assembly Member Jones-Sawyer)

Amendment 2

In the title, in line 1, strike out “171c,”

Amendment 3

In the title, in line 3, after “26202,” insert:

26205,

Amendment 4

In the title, in lines 3 and 4, strike out “30370, 30470, and 30485” and insert:
and 30370

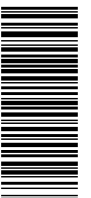
Amendment 5

In the title, in line 5, strike out “firearms.” and insert:
firearms, and declaring the urgency thereof, to take effect immediately.

Amendment 6

On page 7, between lines 28 and 29, insert:

(c) Indeed, the United States Supreme Court has affirmed the validity of “shall-issue” concealed carry licensing standards enacted in 43 states that include qualification standards that “are designed to ensure only that those bearing arms in the jurisdiction are, in fact, ‘law-abiding responsible citizens,’” N.Y. State Rifle & Pistol Ass’n v. Bruen, 142 S. Ct. 2111, 2138 n.9 (2022). The laws of at least 21 of these states authorize officials to deny concealed carry licenses to otherwise eligible applicants who are found not to be law-abiding or responsible based on a determination that the applicant lacks the character or temperament to carry firearms in public spaces or otherwise presents a danger to self, others, or the community at large. (See Ala. Code § 13A-11-75(a)(1)(a); Ark. Code Ann. § 5-73-308(b)(1); Colo. Rev. Stat. §



18-12-203(2); Conn. Gen. Stat. §29-28(b); Del. Code, Tit. 11, § 1441; Ga. Code § 16-11-129(d)(4); 430 Ill. Comp. Stat. § 66/15; Ind. Code § 35-47-2-3(g); Iowa Code §724.8(3); Me. Rev. Stat. Ann., Tit. 25, § 2003; Minn. Stat. § 624.714; Mo. Rev. Stat. § 571.101.2(7); Mont. Code § 45-8-321(2); N.D. Cent. Code § 62.1-04-03(1)(e); Or. Rev. Stat. § 166.293(2); 18 Pa. Cons. Stat. § 6109(e)(1)(i); R.I. Gen. Laws § 11-47-11; S.D. Codified Laws § 23-7-7.1; Utah Code § 53-5-704(3)(a); Va. Code § 18.2-308.09(13); Wyo. Stat. § 6-8-104(g)). The United States Supreme Court repeatedly affirmed the validity of these states' standards, including specifically and approvingly citing the standards adopted in Connecticut, which, the Court noted, validly preclude an otherwise eligible applicant from qualifying for a concealed carry license if the licensing official determines the applicant's "conduct has shown them to be lacking the essential character of temperament necessary to be entrusted with a weapon." N.Y. State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111, 2123 n.1 (2022).

Amendment 7

On page 7, in line 29, strike out "(c)" and insert:

(d)

Amendment 8

On page 8, in line 10, strike out "(d)" and insert:

(e)

Amendment 9

On page 8, in line 22, strike out "(e)" and insert:

(f)

Amendment 10

On page 9, in line 11, strike out "(f)" and insert:

(g)

Amendment 11

On page 9, in line 24, strike out "(g)" and insert:

(h)

Amendment 12

On page 9, in line 39, strike out “(h)” and insert:

(i)

Amendment 13

On page 10, in line 11, strike out “(i)” and insert:

(j)

Amendment 14

On page 12, in line 6, strike out “(j)” and insert:

(k)

Amendment 15

On page 12, in line 17, strike out “(k)” and insert:

(l)

Amendment 16

On page 12, in line 39, strike out “(l)” and insert:

(m)

Amendment 17

On page 14, between lines 2 and 3, insert:

(3) A person holding a valid license to carry the firearm pursuant to Chapter 4 (commencing with Section 26150) of Division 5 of Title 4 of Part 6 who possesses the firearm within a building designated for a court proceeding, including matters before a superior court, district court of appeal, or the California Supreme Court, and is a justice, judge, or commissioner of the court.

Amendment 18

On page 14, in line 7, strike out “(3)” and insert:

(4)

Amendment 19

On page 14, in line 11, strike out “(4)” and insert:

(5)

Amendment 20

On page 14, in line 16, strike out “(5)” and insert:

(6)

Amendment 21

On page 14, in line 23, strike out “(6)” and insert:

(7)

Amendment 22

On page 15, strike out lines 6 to 39, inclusive, on page 16, strike out lines 1 to 37, inclusive, in line 38, strike out “SEC. 4.” and insert:

SEC. 3.

Amendment 23

On page 17, in line 31, strike out “SEC. 5.” and insert:

SEC. 4.

Amendment 24

On page 17, below line 39, insert:

(3) “Sterile area” means a portion of an airport defined in the airport security program to which access generally is controlled through the screening of persons and property, as specified in Section 1540.5 of Title 49 of the Code of Federal Regulations, or a portion of any passenger vessel terminal to which, pursuant to the requirements set forth in Sections 105.255 and 105.260(a) of Title 33 of the Code of Federal Regulations, access is generally controlled in a manner consistent with the passenger vessel terminal’s security plan and the maritime security level in effect at the time.

Amendment 25

On page 18, strike out line 12 and insert:

possess, within any sterile area of an airport or a passenger vessel terminal,

Amendment 26

On page 18, in line 13, strike out “(c) in any building, real”, strike out lines 14 and 15 and insert:

(c).

Amendment 27

On page 18, strike out line 18, in line 19, strike out “(2)” and insert:

(1)

Amendment 28

On page 18, in line 22, strike out “(3)” and insert:

(2)

Amendment 29

On page 18, in line 23, strike out “(4)” and insert:

(3)

Amendment 30

On page 18, in line 24, strike out “(5)” and insert:

(4)

Amendment 31

On page 18, in line 25, strike out “(6)” and insert:

(5)

Amendment 32

On page 18, in line 26, strike out “(7)” and insert:

(6)

Amendment 33

On page 18, in line 27, strike out “(8)” and insert:

(7)

Amendment 34

On page 18, in line 28, strike out “(9)” and insert:

(8)

Amendment 35

On page 18, in line 29, strike out “(10)” and insert:

(9)

Amendment 36

On page 18, in line 30, strike out “(11)” and insert:

(10)

Amendment 37

On page 18, in line 33, strike out “(12)” and insert:

(11)

Amendment 38

On page 18, between lines 33 and 34, insert:

(d) It is unlawful for any person to knowingly possess any firearm in any building, real property, or parking area under the control of an airport, except as provided for in subdivisions (b), (c), or (d) of Section 26230.

Amendment 39

On page 18, in line 34, strike out “(d) Subdivision (b)” and insert:

(e) Subdivisions (b) and (d)

Amendment 40

On page 19, in line 18, strike out “(e)” and insert:

(f)

Amendment 41

On page 19, in line 22, strike out “(f)” and insert:

(g)

Amendment 42

On page 19, in line 27, strike out “(g)” and insert:

(h)

Amendment 43

On page 19, strike out line 30 and insert:

luggage or the possession of the items listed in subdivision (c) in areas that are not “sterile areas.”

Amendment 44

On page 19, in line 31, strike out “SEC. 6.” and insert:

SEC. 5.

Amendment 45

On page 21, in line 13, strike out “25650,” and insert:

25655,

Amendment 46

On page 21, in line 31, strike out “SEC. 7.” and insert:

SEC. 6.

Amendment 47

On page 22, between lines 4 and 5, insert:

(2) (A) When the firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle.

(B) This section does not prohibit or limit the otherwise lawful transportation of any other firearm, other than a pistol, revolver, or other firearm capable of being concealed on the person, in accordance with state law.

Amendment 48

On page 22, in line 13, strike out “(2)” and insert:

(3)

Amendment 49

On page 22, in line 26, strike out “(3)” and insert:

(4)

Amendment 50

On page 22, in line 30, strike out “(4)” and insert:

(5)

Amendment 51

On page 22, in line 33, strike out “not in” and insert:

within a distance of 1,000 feet from the grounds of the public or private school, but is not within

Amendment 52

On page 22, in line 38, strike out “school, but within a distance of 1,000 feet from”, strike out line 39 and insert:

school. Nothing in this paragraph shall prohibit a person holding a valid license to carry the firearm pursuant to Chapter 4 (commencing with Section 26150) of Division 5 of Title 4 of Part 6 from carrying a firearm in accordance with that license as provided in subdivisions (b), (c), or (d) of Section 26230.

Amendment 53

On page 26, in line 38, strike out “SEC. 8.” and insert:

SEC. 7.

Amendment 54

On page 26, in line 39, after “25350.” insert:

(a)

Amendment 55

On page 27, between lines 8 and 9, insert:

(b) If any application of any provision in this division to any person, group of persons, or circumstances is found by a court to be invalid or unconstitutional, the remaining applications of that provision to all other persons and circumstances shall be severed and shall not be affected. All constitutionally valid applications of this division shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the Legislature’s intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this division to impose an unconstitutional burden in a large or substantial fraction of relevant cases, the applications that do not present an unconstitutional burden shall be severed from the remaining applications and shall remain in force, and shall be treated as if the Legislature had enacted a statute limited to the persons, group of persons, or circumstances for which the statute’s application does not present an unconstitutional burden. If any court declares or finds a provision of this division facially unconstitutional, when discrete applications of that provision can be enforced against a person, group of persons, or circumstances without violating the United States Constitution and the California Constitution, those applications shall be severed from all remaining applications of the provision, and the provision shall be interpreted as if the Legislature had enacted a provision limited to the persons, group of persons, or circumstances for which the provision’s application will not violate the United States Constitution and the California Constitution.

Amendment 56

On page 27, in line 9, strike out “SEC. 9.” and insert:

SEC. 8.

Amendment 57

On page 27, in line 32, strike out “SEC. 10.” and insert:

SEC. 9.

Amendment 58

On page 28, in line 31, strike out “registered” and insert:

recorded

Amendment 59

On page 30, in line 4, strike out “registered” and insert:

recorded

Amendment 60

On page 30, in line 6, strike out “SEC. 11.” and insert:

SEC. 10.

Amendment 61

On page 30, in line 16, strike out “age.” and insert:

age, and presents clear evidence of the person’s identity and age, as defined in Section 16400.

Amendment 62

On page 30, in line 21, after the period insert:

Prima facie evidence of residency within the county or a city within the county includes, but is not limited to, the address where the applicant is registered to vote, the applicant’s filing of a homeowner’s property tax exemption, and other acts, occurrences, or events that indicate presence in the county or a city within the county is more than temporary or transient. The presumption of residency in the county or city within the county may

be rebutted by satisfactory evidence that the applicant's primary residence is in another county or city within the county.

Amendment 63

On page 31, in line 7, strike out "SEC. 12." and insert:

SEC. 11.

Amendment 64

On page 31, in line 18, strike out "age." and insert:

age, and presents clear evidence of the person's identity and age, as defined in Section 16400.

Amendment 65

On page 31, in line 20, after the period insert:

Prima facie evidence of residency within the county or a city within the county includes, but is not limited to, the address where the applicant is registered to vote, the applicant's filing of a homeowner's property tax exemption, and other acts, occurrences, or events that indicate presence in the county or a city within the county is more than temporary or transient. The presumption of residency in the county or city within the county may be rebutted by satisfactory evidence that the applicant's primary residence is in another county or city within the county.

Amendment 66

On page 32, in line 2, strike out "SEC. 13." and insert:

SEC. 12.

Amendment 67

On page 32, in line 10, strike out "article." and insert:

chapter.

Amendment 68

On page 32, in line 17, strike out "SEC. 14." and insert:

SEC. 13.

Amendment 69

On page 32, in line 21, after “following” insert:

minimum

Amendment 70

On page 32, in line 27, strike out “and”

Amendment 71

On page 32, in line 28, strike out “firearm.” and insert:

firearm, and laws regarding the permissible use of lethal force in self-defense.

Amendment 72

On page 33, in line 19, strike out “article.” and insert:

chapter.

Amendment 73

On page 33, in line 25, strike out “SEC. 15.” and insert:

SEC. 14.

Amendment 74

On page 33, in line 35, strike out “age.” and insert:

age, and presents clear evidence of the person’s identity and age, as defined in Section 16400.

Amendment 75

On page 34, in line 14, strike out “SEC. 16.” and insert:

SEC. 15.

Amendment 76

On page 34, in line 15, after “(1)” insert:

(A)

Amendment 77

On page 34, in line 16, strike out “article” and insert:

chapter

Amendment 78

On page 34, between lines 18 and 19, insert:

(B) Upon the effective date of the act that added this subparagraph, the Attorney General shall issue forms to be used for licenses and applications for amendments to licenses under this chapter, in conformance with the act that added this subparagraph, to be used until October 31, 2022.

Amendment 79

On page 34, strike out line 24 and insert:

licenses issued by the Attorney General pursuant to paragraph (1).

Amendment 80

On page 34, in line 26, strike out “September 1,” and insert:

October 31,

Amendment 81

On page 35, in line 20, strike out “September 1,” and insert:

October 31,

Amendment 82

On page 35, in line 30, after the second “the” insert:

design

Amendment 83

On page 35, in line 30, strike out “application form”

Amendment 84

On page 35, in line 35, after “(c)” insert:

(1)

Amendment 85

On page 35, in line 40, strike out “arrests” and insert:

detentions, arrests,

Amendment 86

On page 36, in line 2, strike out “26202,” and insert:

26202 or a valid restraining, protective, or stay-away order issued by an out-of-state jurisdiction pursuant to laws concerning domestic violence, family law, protection of children or elderly persons, stalking, harassment, witness intimidation, or firearm possession, whether the applicant has previously been taken into custody as a danger to self or others under Section 5150 or Part 1.5 (commencing with Section 5585) of Division 5 of the Welfare and Institutions Code, assessed under Section 5151 of the Welfare and Institutions Code, admitted to a mental health facility under Section 5151 or 5152 of the Welfare and Institutions Code, or certified under Section 5250, 5260, or 5270.15 of the Welfare and Institutions Code,

Amendment 87

On page 36, in line 5, after the comma insert:

the

Amendment 88

On page 36, strike out lines 12 and 13 and insert:

(2) In lieu of residence or business addresses, an applicant who participates in the program described in Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code may provide the address designated to the applicant by the Secretary of State.

(3) In lieu of a residence, an applicant who falls within the categories described in subdivision (c) of Section 26220 may provide a business address or an alternative mailing address, such as a post office box.

(d) Completed applications for licenses shall be filed in writing and signed by the applicant, and contain all information required by the application, as determined by the licensing authority.

Amendment 89

On page 36, in line 31, strike out “Any” and insert:

(1) As of October 31, 2022, a

Amendment 90

On page 36, in line 32, after the second comma insert:

Criminal Identification and Information number,

Amendment 91

On page 37, in line 2, after the period insert:

Prior to October 31, 2022, any license issued upon the application shall take the form of the uniform license developed by the Attorney General and used as indicia of proof of licensure throughout the state immediately prior to the effective date of the act that added this paragraph.

(2) In lieu of residence or business addresses, a licensee who participates in the program described in Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code may provide the address designated to the applicant by the Secretary of State. Upon termination from the program described in Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, the licensee shall comply with Section 26210.

(3) In lieu of a residence address, a licensee who falls within the categories described in subdivision (c) of Section 26220 may provide a business address or an alternative mailing address, such as a post office box. Upon termination from the category described in subdivision (c) of Section 26220, the licensee shall comply with Section 26210.

Amendment 92

On page 37, in line 4, strike out “SEC. 17.” and insert:

SEC. 16.

Amendment 93

On page 37, in line 5, after “applicant” insert:

for a new license

Amendment 94

On page 37, in lines 5 and 6, strike out “taken and” and insert:

taken. Upon issuance of the notice described in paragraph (1) of subdivision (d) of Section 26202,

Amendment 95

On page 37, in line 6, after “copies” insert:

of the new license applicant’s fingerprints

Amendment 96

On page 37, in line 7, after the period insert:

For each applicant for a renewal license, upon issuance of the notice described in paragraph (1) of subdivision (d) of Section 26202, the licensing authority shall notify the department in a manner prescribed by the department.

Amendment 97

On page 37, in line 8, strike out “and” and insert:

of an applicant for a new license or the notice for a renewal license as prescribed in paragraph (1), as well as

Amendment 98

On page 37, in line 10, strike out “a report of all data and information”, strike out line 11 and in line 12, strike out “including”

Amendment 99

On page 37, in line 14, after the period insert:

The department shall make this determination in a manner to be prescribed through regulations.

Amendment 100

On page 37, in line 16, strike out “purchaser’s” and insert:

applicant’s

Amendment 101

On page 37, in line 18, after “the” insert:

forwarding

Amendment 102

On page 37, in line 18, after the period insert:

For each applicant for a new license, the department shall also promptly furnish the forwarding licensing authority a criminal history report pertaining to the applicant.

Amendment 103

On page 37, in line 26, strike out “article,” and insert:

chapter,

Amendment 104

On page 37, in line 32, strike out “article” and insert:

chapter

Amendment 105

On page 37, between lines 37 and 38, insert:

(d) For any renewal license applicant referred to the department prior to the effective date of the act that added this subdivision, the department may use any method authorized through regulations implementing paragraph (2) of subdivision (a) to determine if the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

Amendment 106

On page 37, in line 38, strike out “SEC. 18.” and insert:

SEC. 17.

Amendment 107

On page 38, in line 10, strike out “fee, with the fingerprints if required,” and insert:

fee

Amendment 108

On page 38, in line 11, after the period insert:

For applicants for a new license, fingerprints shall be transmitted to the department in accordance with subdivision (a) of Section 26185. For applicants for a renewal license, notice to the department shall be transmitted to the department in accordance with subdivision (a) of Section 26185.

Amendment 109

On page 38, in line 28, strike out “at a rate not to exceed”, strike out lines 29 and 30 and insert:

to reflect increases in the licensing authority’s reasonable costs, as described in paragraph (1) of subdivision (b).

Amendment 110

On page 38, in line 35, strike out “(\$20).” and insert:

(\$20) or the reasonable cost to process the amended license, whichever is less.

Amendment 111

On page 39, in line 2, after “If” insert:

a

Amendment 112

On page 39, in line 2, strike out “testing” and insert:

assessment

Amendment 113

On page 39, in line 5, strike out “testing” and insert:

assessment

Amendment 114

On page 39, in line 6, strike out “testing in an amount not”, strike out lines 7 to 10, inclusive, and insert:

assessment. In no case shall the amount charged to the applicant for the psychological assessment exceed the reasonable costs to the licensing authority.

Amendment 115

On page 39, in line 18, after the period insert:

In no case shall the cost of psychological testing exceed the reasonable costs to the licensing authority.

Amendment 116

On page 39, in line 24, strike out “SEC. 19.” and insert:

SEC. 18.

Amendment 117

On page 39, in line 25, strike out “article” and insert:

chapter

Amendment 118

On page 39, in line 29, strike out “article” and insert:

chapter

Amendment 119

On page 40, in line 16, strike out “SEC. 20.” and insert:

SEC. 19.

Amendment 120

On page 40, in line 23, strike out “article,” and insert:

chapter,

Amendment 121

On page 40, in line 32, strike out “license.” and insert:

license or a firearm for which they are not the recorded owner.

Amendment 122

On page 40, strike out line 36 and insert:

(7) Fail to carry the license on their person.

Amendment 123

On page 40, below line 39, insert:

(10) Violate any federal, state, or local criminal law.

Amendment 124

On page 41, in line 14, strike out “SEC. 21.” and insert:

SEC. 20.

Amendment 125

On page 41, strike out lines 19 to 23, inclusive, and insert:

(1) Is reasonably likely to be a danger to self, others, or the community at large, as demonstrated by anything in the application for a license or through the investigation described in subdivision (b), or as shown by the results of any psychological assessment, including, but not limited to, the testing described in subdivision (e) of Section 26190.

(2) Has been convicted of contempt of court under Section 166.

Amendment 126

On page 41, in line 26, strike out “provisions:” and insert:

provisions, unless that order expired or was canceled more than five years ago:

Amendment 127

On page 41, strike out line 31 and insert:

(C) Sections 136.2 and 18100.

Amendment 128

On page 41, strike out line 36 and insert:

(4) In the last 10 years, has been convicted of an offense listed in Section 422.6, 422.7, 422.75, or 29805.

Amendment 129

On page 42, in line 3, after “been” insert:

committed to or

Amendment 130

On page 42, strike out line 4 and insert:

or state prison for, or on probation, parole, postrelease community supervision, or mandatory supervision as a result of, a conviction of an offense, an element of which

Amendment 131

On page 42, in line 5, strike out “substances” and insert:

substances, as described in Sections 11053 to 11058, inclusive, of the Health and Safety Code,

Amendment 132

On page 42, in line 6, strike out “substances” and insert:

substances, as described in Sections 11053 to 11058, inclusive, of the Health and Safety Code,

Amendment 133

On page 42, in line 7, strike out “Has” and insert:

Within the last 10 years, has

Amendment 134

On page 42, in line 7, strike out “a firearm” and insert:

multiple firearms

Amendment 135

On page 42, in lines 8 and 9, strike out “or failure to exercise reasonable care in” and insert:

regarding

Amendment 136

On page 42, strike out lines 11 to 25, inclusive, and insert:

(10) Failed to report a loss of a firearm as required by Section 25250 or any other state, federal, or local law requiring the reporting of the loss of a firearm.

Amendment 137

On page 42, in line 26, strike out “(c)” and insert:

(b)

Amendment 138

On page 42, in line 27, after “with” insert:

subdivision (a) of

Amendment 139

On page 42, in line 30, after the period insert:

For renewal applications, the licensing authority may elect to forgo this requirement.

Amendment 140

On page 42, in line 31, strike out “Interviews” and insert:

In-person, virtual, or telephonic interviews

Amendment 141

On page 42, in line 34, after the period insert:

For renewal applications, the licensing authority may elect to forgo this requirement.

Amendment 142

On page 42, between lines 37 and 38, insert:

- (4) A review of all information provided in the application for a license.
- (5) A review of all information provided by the Department of Justice in accordance with Section 26185, as well as firearms eligibility notices or any other information subsequently provided to the licensing authority regarding the applicant.
- (6) A review of the information in the California Restraining and Protective Order System accessible through the California Law Enforcement Telecommunications System.

Amendment 143

On page 42, in line 38, strike out “(d)” and insert:

- (c)

Amendment 144

On page 42, in line 39, strike out “license,” and insert:

license in accordance with subdivision (a),

Amendment 145

On page 42, in line 40, strike out “from relying on factors other than those listed” and on page 43, in line 1, strike out “in subdivision (a) or (b) or”

Amendment 146

On page 43, in line 2, strike out “(c).” and insert:

- (b).

Amendment 147

On page 43, strike out lines 3 and 4, in line 5, strike out “Section 26150, 26155, or 26170,” and insert:

- (d) Within 90 days of receiving the completed initial application for a new license or a license renewal,

Amendment 148

On page 43, in line 7, strike out “determination. If” and insert:

initial determination, based on its investigation thus far, of whether an applicant is a qualified person pursuant to Section 26150, 26155, or 26170 as follows:

(1) If

Amendment 149

On page 43, in line 7, strike out “determines that” and insert:

makes an initial determination that, based on its investigation thus far,

Amendment 150

On page 43, in line 10, strike out “If” and insert:

The licensing authority shall then submit the applicant’s fingerprints or the renewal notice to the Department of Justice in accordance with subdivision (a) of Section 26185.

(2) If, within 90 days of receiving the completed initial application for a new license or a license renewal,

Amendment 151

On page 43, in line 18, strike out “subdivision” and insert:

paragraph

Amendment 152

On page 43, between lines 20 and 21, insert:

SEC. 21. Section 26205 of the Penal Code is amended to read:

26205. ~~The (a) Unless otherwise specified in subdivision (b), the licensing authority shall give written notice to the applicant indicating if the license under this article chapter is approved or denied. The licensing authority shall give this notice within 90 days of the receiving the complete initial application for a new license or a license renewal, or renewal application, or 30 days after receipt of the applicant’s criminal background check from the Department of Justice, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied. report from the Department of Justice described in paragraph (2) of subdivision (a) of Section 26185, whichever is later.~~

(b) In determining whether to approve or deny an initial or renewal application, the licensing authority shall apply the statutory requirements in effect as of the date the licensing authority received the completed initial or renewal application, except for the requirements in former subparagraph (2) of subdivision (a) of Sections 26150,

26155, and 26170. For initial or renewal applications submitted prior to the effective date of the act that added this subdivision, the licensing authority shall give written notice to the applicant indicating if the license under this chapter is approved or denied within 120 days of receiving the completed initial or renewal application, or 30 days after receipt of the report from the Department of Justice described in paragraph (2) of subdivision (a) of Section 26185, whichever is later.

(c) If the license is denied, the notice shall state which requirement was not satisfied.

Amendment 153

On page 43, in line 26, after “notice” insert:

of this determination as

Amendment 154

On page 43, in line 27, strike out “(e)” and insert:

(d)

Amendment 155

On page 43, in line 27, strike out “26202” and insert:

26202, Section 26205,

Amendment 156

On page 43, in line 28, strike out “26195, stating” and insert:

26195. The notice shall state

Amendment 157

On page 44, in line 5, strike out “An” and insert:

Except as specified in paragraph (2), an

Amendment 158

On page 44, in line 6, strike out “required under subdivision (e) of Section 26202 or the”, strike out line 7, in line 8, strike out “(b) of Section 26195” and insert:

described in subdivision (a)

Amendment 159

On page 44, between lines 12 and 13, insert:

(1) Nothing in this section prevents an applicant from using and exhausting any process for appealing a denial or revocation that may be offered by the licensing authority prior to 30 days after the receipt of the notice of denial described in subdivision (a).

(2) If an applicant elects to use and exhaust any process for appealing a denial or revocation that may be offered by the licensing authority, an applicant shall have 30 days after the receipt of the notice of an unsuccessful appeal by the licensing authority to request a hearing to review the denial or revocation from the superior court of their county of residence. The request for hearing shall be made on the "Request for Hearing to Challenge Qualified Person Determination" form prescribed by the department.

Amendment 160

On page 45, in line 16, after "notice" insert:

and submit fingerprints or renewal notice

Amendment 161

On page 45, in line 16, after "with" insert:

paragraph (1) of

Amendment 162

On page 45, in line 16, strike out "(e)" and insert:

(d)

Amendment 163

On page 45, in line 18, strike out "26165." and insert:

26165, as long as the Department of Justice confirms the applicant's eligibility to possess, receive, own, or purchase a firearm under Section 26185.

Amendment 164

On page 45, in line 24, strike out "order." and insert:

as long as the Department of Justice confirms the applicant's eligibility to possess, receive, own, or purchase a firearm under Section 26185.

Amendment 165

On page 46, in line 2, strike out “on any basis other than a”, strike out line 3, in line 4, strike out “the standards set forth in Section 26202,” and insert:

based on the applicant’s failure to satisfy paragraph (2), (3), (4), or (5) of subdivision (a) of Section 26150, paragraph (2), (3), (4), or (5) of subdivision (a) of Section 26155, or paragraph (2), (3), or (4) of subdivision (a) of Section 26170,

Amendment 166

On page 46, in line 13, strike out “article” and insert:

chapter

Amendment 167

On page 46, in line 18, strike out “residence.” and insert:

residence, and within 10 days of receiving that notice, the licensing authority shall notify the Department of Justice of the change in a licensee’s place of residence.

Amendment 168

On page 46, in line 23, after the first “in” insert:

the license

Amendment 169

On page 47, in line 22, strike out “and any statutory provisions referenced therein.” and insert:

Section 29805, and Section 31635.

Amendment 170

On page 47, in line 28, strike out “The regulations”, strike out lines 29 to 31, inclusive, and insert:

The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect no later than September 1, 2024.

Amendment 171

On page 48, in line 11, strike out “government.” and insert:

government, except as allowed pursuant to paragraph (2) of subdivision (b) of Section 171c.

Amendment 172

On page 48, in line 16, strike out “Court.” and insert:

Court, unless the person is a justice, judge, or commissioner of that court.

Amendment 173

On page 50, strike out line 34 and insert:

- (28) Any other place or area prohibited by federal law.
- (29) Any other place or area prohibited by local law.

Amendment 174

On page 50, in line 35, after the comma insert:

except under paragraph (21) or (28) of subdivision (a),

Amendment 175

On page 50, in line 38, after “4082” insert:

and subdivision (b) of Section 4094

Amendment 176

On page 51, in line 2, after “23655.” insert:

Nothing in this subdivision is intended to preempt local laws placing more restrictive requirements upon the storage of firearms in vehicles.

Amendment 177

On page 51, in line 11, after the period insert:

Nothing in this paragraph is intended to preempt local laws placing more restrictive requirements upon the storage of firearms in vehicles.

Amendment 178

On page 51, between lines 16 and 17, insert:

(d) For purposes of subdivision (c), a lock box is an item as defined in subdivision (b) of Section 4082 and subdivision (y) of Section 4094 of Title 11 of the California Code of Regulations, which is a firearm safety device, as defined in Section 16540, that is listed on the Department's Roster of Firearm Safety Devices Certified for Sale pursuant to Sections 23650 and 23655.

Amendment 179

On page 51, in line 17, strike out "(d)" and insert:

(e)

Amendment 180

On page 51, in line 26, strike out "(e)" and insert:

(f)

Amendment 181

On page 53, strike out lines 26 to 40, inclusive, on page 54, strike out lines 1 to 36, inclusive, and insert:

SEC. 28. Section 29805 of the Penal Code is amended to read:

29805. (a) (1) Except as provided in Section 29855, subdivision (a) of Section 29800, or subdivision (b), any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, subdivision (f) of Section 148.5, Section 171b, paragraph (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25300, ~~25800~~, paragraph (5), (6), or (7) of subdivision (c) of Section 25400, Section 25800, paragraph (5), (6), or (7) of subdivision (c) of Section 25850, subdivision (a) of Section 26350, subdivision (a) of Section 26400, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, Section 487 if the property taken was a firearm, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(2) Any person who has an outstanding warrant for any misdemeanor offense described in this subdivision, and who has knowledge of the outstanding warrant, and

who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) Any person who is convicted, on or after January 1, 2019, of a misdemeanor violation of Section 273.5, and who subsequently owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) Any person who is convicted on or after January 1, 2020, of a misdemeanor violation of Section 25100, 25135, or 25200, and who, within 10 years of the conviction owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(d) Any person who is convicted on or after January 1, 2023, of a misdemeanor violation of subdivision (e) or (f) of Section 29180, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(e) The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

SEC. 28.5. Section 29805 of the Penal Code is amended to read:

29805. (a) (1) Except as provided in Section 29855, subdivision (a) of Section 29800, or subdivision (b), any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, subdivision (f) of Section 148.5, Section 171b, paragraph (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25300, ~~25800~~, paragraph (5), (6), or (7) of subdivision (c) of Section 25400, Section 25800, paragraph (5), (6), or (7) of subdivision (c) of Section 25850, subdivision (a) of Section 26350, subdivision (a) of Section 26400, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, Section 487 if the property taken was a firearm, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(2) Any person who has an outstanding warrant for any misdemeanor offense described in this subdivision, and who has knowledge of the outstanding warrant, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a public offense, punishable by imprisonment in a county jail not

exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) Any person who is convicted, on or after January 1, 2019, of a misdemeanor violation of Section 273.5, and who subsequently owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) Any person who is convicted on or after January 1, 2020, of a misdemeanor violation of Section 25100, 25135, or 25200, and who, within 10 years of the conviction owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(d) Any person who is convicted on or after January 1, 2023, of a misdemeanor violation of Section 273a, subdivision (b), (c), or (f) of Section 368, or subdivision (e) or (f) of Section 29180, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(e) The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

Amendment 182

On page 56, strike out lines 30 to 39, inclusive, strike out pages 57 and 58, on page 59, strike out lines 1 to 11, inclusive, in line 12, strike out "SEC. 32." and insert:

SEC. 30.

Amendment 183

On page 59, between lines 15 and 16, insert:

SEC. 31. Section 28.5 of this bill incorporates amendments to Section 29805 of the Penal Code proposed by both this bill and Assembly Bill 2239. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, but this bill becomes operative first, (2) each bill amends Section 29805 of the Penal Code, and (3) this bill is enacted after Assembly Bill 2239, in which case Section 29805 of the Penal Code, as amended by Section 28 of this bill, shall remain operative only until the operative date of Assembly Bill 2239, at which time Section 28.5 of this bill shall become operative.

Amendment 184

On page 59, in line 16, strike out “SEC. 33.” and insert:

SEC. 32.

Amendment 185

On page 59, below line 29, insert:

SEC. 33. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide protection from escalating rates of firearm violence in public places, it is necessary that this act go into immediate effect.

PROPOSED AMENDMENTS TO SENATE BILL NO. 918

AMENDED IN ASSEMBLY JUNE 29, 2022

AMENDED IN ASSEMBLY JUNE 13, 2022

SENATE BILL

No. 918

Introduced by Senator Portantino

(Principal coauthor: Senator Bradford)

(Principal coauthor: Assembly Member Jones-Sawyer)

(Coauthors: Assembly Members Mia Bonta, Carrillo, Gipson, and
McCarty)

February 3, 2022



RN2218376

Amendment 1

An act to amend Sections 171b, ~~171c~~, 171d, 171.5, 171.7, 626.9, 25610, 25850, 26150, 26155, 26165, 26170, 26175, 26185, 26190, 26195, 26200, 26202, 26205, 26210, 26225, 26350, 26400, 29805, 30370, ~~30470, and 30485~~ and 30370 of, and to add Sections 25350, 26162, 26206, and 26230 to, the Penal Code, relating to ~~firearms~~, *firearms, and declaring the urgency thereof, to take effect immediately.*

Amendment 2

Amendments 3 & 4

Amendment 5

LEGISLATIVE COUNSEL'S DIGEST

SB 918, as amended, Portantino. Firearms.

Existing law prohibits a person from carrying a concealed firearm or carrying a loaded firearm in public. Existing law authorizes a licensing authority, as specified, if good cause exists for the issuance, and subject to certain other criteria including, among other things, the applicant is of good moral character and has completed a specified course of training, to issue a license to carry a concealed handgun or to carry a loaded and exposed handgun, as specified. Under existing law, the required course of training for an applicant is no more than 16 hours and covers firearm safety and laws regarding the permissible use of a firearm.

This bill would require the licensing authority to issue or renew a license if the applicant is a qualified person for the license and the applicant is at least 21 years of age. The bill would remove the good character and good cause requirements from the issuance criteria. Under the bill, the applicant would not be a qualified person if ~~they have engaged in a threat of violence, act of violence, or used unlawful physical force against another person or themselves, as specified.~~ *they, among other things, are reasonably likely to be a danger to self, others, or the community at large, as specified.* This bill would add the requirement that the applicant be the recorded owner, with the Department of Justice, of the pistol, revolver, or other firearm capable of being concealed upon the person. This bill would change the training requirement to be no less than 16 hours in length and would add additional subjects to the course including, among other things, the safe storage and legal transportation of firearms. The bill would require an issuing authority, prior to that issuance, renewal, or amendment to a license, if it has direct access to the designated department system to determine if the applicant is the recorded owner of the pistol, revolver, or other firearm. The bill would require an issuing authority without access to that system to confirm the ownership with the sheriff of the county in which the agency is located. By requiring local agencies to issue licenses for concealed firearms, this bill would create a state-mandated local program.

The bill would require a licensing authority to provide the applicant notice if a new license or license renewal is denied or revoked. If an application is denied or a license is revoked, the bill would permit the applicant to request a hearing to challenge the license denial or revocation. If a new license or license renewal is denied or revoked, the bill would authorize the applicant to seek a writ of mandate from a superior court within 30 days of receipt of notice of denial or revocation, and require the licensing authority to inform the applicant of the ability to seek a writ of mandate. By imposing new duties on local licensing authorities, this bill would create a state-mandated local program.

Existing law requires an agency issuing a license described above to set forth specified information on the license, including, among other things, the licensee's name, occupation, and reason for desiring a license to carry the weapon.

This bill would revise that information to include, among other things, the licensee's driver's license or identification number, fingerprints, and information relating to the date of expiration of the license, and

would remove the requirement that the license detail the reason for desiring a license to carry the weapon.

Existing law requires an applicant for a license described above to provide fingerprints, as specified. Existing law exempts an applicant from this requirement if they have previously applied to the same licensing authority and the applicant's fingerprints have previously been forwarded to the department, as specified, and instead requires that authority to note data that would provide positive identification in the files of the department, on the copy of any subsequent license submitted to the department.

This bill would require the department to notify the licensing authority if the department is unable to ascertain, among other things, the final disposition of an arrest or criminal charge under state or federal law that would prohibit the person from possessing, receiving, owning, or purchasing a firearm. The bill would require the licensing authority to instead collect the applicant's fingerprint that would provide that positive identification in the files of the department, as specified. This bill would prohibit a license from being issued or renewed unless the department reports to a licensing authority that the applicant is eligible to possess, receive, own, or purchase a firearm.

~~Existing law permits the department to charge a fee sufficient to reimburse it for specified costs related to the sale or transfer of firearms, such as the preparation, sale, processing, and filing of required reports and costs associated with the submission of a Dealers' Record of Sale (DROS), as specified. Existing law requires that firearm purchaser information be provided to the department exclusively by electronic means. Existing law directs the department to electronically approve the purchase or transfer of ammunition through a vendor at the time of purchase or transfer and prior to the purchaser taking possession of the ammunition, and permits the department to collect certain fees for these purposes. Existing law regulates the sale of firearm precursor parts, and authorizes the department to issue a firearm precursor part vendor license. Existing law deems a licensed firearms dealer or licensed ammunition dealer a firearm precursor parts vendor.~~

Existing law requires a licensing authority to charge an additional fee in an amount equal to reasonable processing costs for a new license. Existing law also prohibits a licensing authority from imposing, among other things, a requirement or condition that an applicant pay additional funds or obtain liability insurance.

This bill would authorize a licensing authority to charge the additional processing cost fee for a license renewal and would permit the licensing authority to collect the first 50% of the fee upon filing of the application. The bill also removes the prohibition on licensing authority requirements for additional fees or liability insurance.

~~Existing law authorizes a licensing authority to require psychological testing for a new license or a license renewal. Under existing law, an applicant may be required to pay the actual cost of testing, not to exceed \$150.~~

~~This bill would increase the amount that an applicant may be required to pay to \$200 and would allow that amount to be increased by the California cost of living, as specified.~~

Existing law requires that licenses and applications for licenses be uniform throughout the state, and to be submitted upon forms prescribed by the Attorney General. When revising the standard application form for licenses, existing law requires the Attorney General to convene a committee to review and revise *the existing application*. *application form*. Existing law requires the Attorney General to develop a uniform license that may be used as indicia of proof of licensure throughout the state. Existing law also requires the committee to convene to review and revise the design standard for a uniform license.

This bill would authorize the Attorney General to revise the standard form for licenses and the design standard if the committees do not revise the form or issue a design standard by ~~September 1, October 31, 2022~~.

Under existing law, it is a crime to bring a firearm into a state or local ~~building, the State Capitol Building, building~~ or any residence of the Governor, any other constitutional officer, or Member of the Legislature. Existing law exempts a licensee from that prohibition if, among other things, the licensee ~~has permission from the Chief Sergeants at Arms of the State Assembly and State Senate~~ or has a valid license to carry the firearm.

This bill would remove those ~~exemptions~~. *exemptions, except as specified*. The bill would also prohibit a licensee from carrying a firearm to specified locations, including, among other places, a building designated for a court proceeding and a place of worship, as defined, with specific exceptions. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

Existing law prohibits a person from knowingly possessing a firearm in a sterile area of an airport, passenger vessel terminal, or public transit facility, as defined.

This bill would ~~expand that prohibition to include~~ *additionally prohibit a person from knowingly possessing a firearm in any building, real property, or parking area under the control of an airport or passenger vessel terminal or a public transit facility, terminal, as specified.* By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

Existing law, the Gun-Free School Zone Act of 1995, makes it a crime to possess a firearm in a place that the person knows, or reasonably should know, is a school zone. Existing law defines a school zone as an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school. Existing law provides exceptions to that crime, including if a person with a valid concealed carry license who is carrying the firearm described in the license in an area that is not in, or on the grounds of, a public or private school and when a firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle.

This bill would ~~expand~~ *revise* the exception for a person who has a valid concealed carry license to permit them to carry a specified firearm ~~in any building, real property, or parking area or on a street or sidewalk immediately adjacent to a building, real property, or parking area under the control of a public or private school, as specified. The bill would also remove the exception for an unloaded pistol, revolver, or other firearm capable of being concealed that is in a locked container or within the locked trunk of a motor vehicle, thereby expanding the scope of an existing crime and imposing a state-mandated local program.~~ *an area that is not within any building, real property, or parking area under the control of a public or private school, as specified.*

Existing law requires a licensing authority to revoke a license to carry a firearm if the licensing authority is notified by the department or the licensing authority determines that a licensee is prohibited from possessing, receiving, owning, or purchasing a firearm under state or federal law.

This bill would also require a licensing authority to revoke a license if, among other things, a licensee has provided inaccurate or incomplete information on their application for a new license or license renewal.

Existing law authorizes a licensing authority to impose reasonable restrictions on the time, place, manner, and circumstances when a licensee may carry a firearm capable of being concealed.

SB 918

— 6 —

While carrying a firearm, this bill would prohibit a licensee from, among other things, consuming an alcoholic beverage or controlled substance and falsely represent that the licensee is a peace officer.

The bill would authorize the department to adopt emergency regulations to implement the concealed firearm licensing system, as specified.

This bill would make conforming changes.

The bill would additionally make various findings and declarations of the Legislature.

The bill would state that its provisions are severable.

This bill would incorporate additional changes to Section 29805 of the Penal Code proposed by AB 2239 to be operative only if this bill and AB 2239 are enacted and this bill is enacted last.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

Page 6 1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) The Legislature has compelling interests in protecting both
4 individual rights and public safety. The Legislature's intent and
5 purpose in clarifying California's requirements governing the
6 issuance of carry concealed weapons (CCW) licenses, and
7 clarifying Dealers' Record of Sale cross-references, is to protect
8 its residents' rights to keep and bear arms while also protecting
9 the public's health and safety in the state by reducing the number
10 of people killed, injured, and traumatized by gun violence;
11 protecting the exercise of other fundamental rights, including the

Page 6 12 right to worship, attain an education, vote, and peaceably assemble
13 and demonstrate; ensuring that law enforcement is able to
14 effectively do its job; and combating terrorism.

Page 7 1 (b) While the United States Supreme Court has made clear that
7 the Second Amendment to the United States Constitution imposes
8 some restrictions on states' ability to regulate firearms, it has
9 recognized that the Second Amendment to the United States
10 Constitution is not a "regulatory straightjacket." N.Y. State Rifle
11 & Pistol Ass'n v. Bruen (2022), No. 20-843, slip op. p. 21. Indeed,
12 the Second Amendment allows States to adopt a "'variety' of gun
13 regulations." N.Y. State Rifle & Pistol Ass'n (2022), slip op. 3
14 (Kavanaugh, J., concurring). And when it comes to restrictions on
15 carrying firearms in public, the United States Supreme Court has
16 recognized three times that states may restrict the carrying of
17 firearms in "sensitive places." N.Y. State Rifle & Pistol Ass'n v.
18 Bruen (2022), slip op. p. 21; see also McDonald v. City of Chicago
19 (2010) 561 U.S. 742, 786; District of Columbia v. Heller (2008)
20 554 U.S. 570, 626. It has also recognized that states may prohibit
21 individuals who are not "law-abiding, responsible citizens" from
25 carrying firearms in public. N.Y. State Rifle & Pistol Ass'n v.
26 Bruen (2022), slip op. 30 n.9.

27 (c) *Indeed, the United States Supreme Court has affirmed the*
28 *validity of "shall-issue" concealed carry licensing standards*
+ *enacted in 43 states that include qualification standards that "are*
+ *designed to ensure only that those bearing arms in the jurisdiction*
+ *are, in fact, 'law-abiding responsible citizens,'"* N.Y. State Rifle
+ *& Pistol Ass'n v. Bruen, 142 S. Ct. 2111, 2138 n.9 (2022). The*
+ *laws of at least 21 of these states authorize officials to deny*
+ *concealed carry licenses to otherwise eligible applicants who are*
+ *found not to be law-abiding or responsible based on a*
+ *determination that the applicant lacks the character or*
+ *temperament to carry firearms in public spaces or otherwise*
+ *presents a danger to self, others, or the community at large. (See*
+ *Ala. Code § 13A-11-75(a)(1)(a); Ark. Code Ann. § 5-73-308(b)(1);*
+ *Colo. Rev. Stat. § 18-12-203(2); Conn. Gen. Stat. § 29-28(b); Del.*
+ *Code, Tit. 11, § 1441; Ga. Code § 16-11-129(d)(4); 430 Ill. Comp.*
+ *Stat. § 66/15; Ind. Code § 35-47-2-3(g); Iowa Code § 724.8(3);*
+ *Me. Rev. Stat. Ann., Tit. 25, § 2003; Minn. Stat. § 624.714; Mo.*
+ *Rev. Stat. § 571.101.2(7); Mont. Code § 45-8-321(2); N.D. Cent.*
+ *Code § 62.1-04-03(1)(e); Or. Rev. Stat. § 166.293(2); 18 Pa. Cons.*

Amendment 6

+ *Stat. § 6109(e)(1)(i); R.I. Gen. Laws § 11-47-11; S.D. Codified Laws § 23-7-7.1; Utah Code § 53-5-704(3)(a); Va. Code § 18.2-308.09(13); Wyo. Stat. § 6-8-104(g)). The United States Supreme Court repeatedly affirmed the validity of these states' standards, including specifically and approvingly citing the standards adopted in Connecticut, which, the Court noted, validly preclude an otherwise eligible applicant from qualifying for a concealed carry license if the licensing official determines the applicant's "conduct has shown them to be lacking the essential character of temperament necessary to be entrusted with a weapon." *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111, 2123 n.1 (2022).*

Page 7

29 (e)
+ (d) Over the past several years, a wealth of empirical studies have shown that crime is higher when more people carry firearms in public places. While California and other states have decided to limit the places and conditions under which residents may carry firearms, over the past several decades other states have decided to allow most people to carry firearms in most public places. Those later states have seen markedly higher crime rates. According to one study, in the 33 states that adopted these "right-to-carry" laws, violent crime was substantially higher—13 to 15 percent higher—10 years after the laws were adopted than it would have been, had those states not adopted those laws. See Donohue, et al., "Right-to-Carry" Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Control Analysis (2019) 16 J. Empirical Legal Stud. 198. That same study acknowledged that crime had dropped in both "Right-to-Carry" states and other states over the past several decades, but concluded that the violent crime reduction in states that did not adopt "Right-to-Carry" laws was an order of magnitude higher than those that did—a 42.3 percent drop in violent crime for those states that did not adopt "Right-to-Carry" laws compared to just a 4.3 percent drop for those that did.

Page 8

10 (d)
+ (e) Broadly allowing individuals to carry firearms in most public areas increases the number of people wounded and killed by gun violence. Among other things, pervasive carrying increases the lethality of otherwise mundane situations, as we have seen shots fired in connection with road rage, talking on a phone in a theater,

Amendment 7

Amendment 8

Page 8 15 playing loud music at a gas station, a dispute over snow shoveling,
16 and a dispute over the use of a disabled parking spot. Importantly,
17 in many of these incidents, the shooters held permits that allowed
18 them to carry firearms in public, meaning that they met the criteria
19 necessary to secure a permit, which often include a requirement
20 that the person not previously have been convicted of a serious
21 crime.

22 (e)
+ (f) Another study concluded that states that changed from
23 prohibiting concealed carry of guns to a regime where the state
24 must issue a CCW permit to any qualified applicant who requests
25 one—a transition to a “shall issue” jurisdiction—experienced a
26 12.3 percent increase in gun-related murder rates, and 4.9 increase
27 in overall murder rates. Gius, Using the Synthetic Control Method
28 to Determine the Effects of Concealed Carry Laws on State-Level
29 Murder Rates (2019) 57 Int’l Rev. L. & Econ. 1. Two other studies
30 concluded that states with “shall-issue” laws had higher overall
31 homicide rates, higher firearm homicide rates, and higher handgun
32 homicide rates as compared to the “may-issue” regimes in place
33 in California and other states. Siegel, et al., Easiness of Legal
34 Access to Concealed Firearm Permits and Homicide Rates in the
35 United States (2017) 107 Am. J. Pub. Health 1923; Siegel, et al.,
36 The Impact of State Firearm Laws on Homicide and Suicide Deaths
37 in the USA, 1991 – 2016: A Panel Study (2019) 34 J. Gen. Internal
38 Med. 2021. Several other studies reached similar results. Anita
39 Knopov et al., The Impact of State Firearm Laws on Homicide
40 Rates among Black and White Populations in the United States,
Page 9 1 1991–2016 (2019) 44 Health & Soc. Work 232; John J. Donohue,
2 Laws Facilitating Gun Carrying and Homicide (2017) 107 Am. J.
3 Pub. Health 1864; Emma E. Fridel, Comparing the Impact of
4 Household Gun Ownership and Concealed Carry Legislation on
5 the Frequency of Mass Shootings and Firearms Homicide (2021)
6 38 Just. Q. 892; Cassandra K. Crifasi, Correction to: Association
7 between Firearm Laws and Homicide in Urban Counties (2018)
8 95 J. Urban Health 773; Paul R. Zimmerman, The Deterrence of
9 Crime Through Private Security Efforts: Theory and Evidence
10 (2014) 37 Int’l Rev. L. & Econ. 66.

11 (f)
+ (g) States with permissive “right-to-carry” laws also witness
12 higher rates of firearm workplace homicides than those that did

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Page 9 13 not have those laws. One study concluded that states with
14 “right-to-carry” laws experienced 29 percent greater rates of
15 firearm workplace homicides between 1992 and 2017 than those
16 that did not. Mitchell L. Doucette et al., “Right-to-Carry” Laws
17 and Firearm Workplace Homicides: A Longitudinal Analysis
18 (1992–2017) (2019) 109 Am. J. Pub. Health 1747, 1751. Another
19 peer-reviewed study found that restricting the ability to carry
20 concealed weapons was associated with a 5.79 percent reduction
21 in workplace homicide rates. Erika L. Sabbath et al., State-Level
22 Changes in Firearm Laws and Workplace Homicide Rates: United
23 States, 2011 to 2017 (2020) 110 Am. J. Pub. Health 230.

24 ~~(g)~~

+ (h) While several studies from the late 1990s and early 2000s
25 purported to conclude that increases in “right-to-carry” laws either
26 decreased or had no effect on crime, many other early studies
27 concluded that it increased crime. In 2005, the National Research
28 Council issued a report evaluating the then-current literature about
29 the impact of “right-to-carry” laws on crime, and concluded that
30 it was “‘impossible to draw strong conclusions from the existing
31 literature on the causal impact’ of “right-to-carry” laws on violent
32 crime and property crime in general and rape, aggravated assault,
33 auto theft, burglary, and larceny in particular,” and that the
34 “existing data and methods” were likely insufficient to resolve the
35 question, and that “new analytical approaches and data” were
36 needed “if further headway is to be made.” Nat’l Research Council,
37 Firearms and Violence: A Critical Review (2005) 272, 275.

39 ~~(h)~~

+ (i) Since that time a number of social scientists have taken up
40 the National Research Council’s call. Those studies
Page 10 1 overwhelmingly support the conclusion that more carrying of
2 firearms in public leads to an increase in crime: of the 35 social
3 science studies looking at this issue since the National Research
4 Council issued its report in 2005, 23 found an increase in crime,
5 7 found no effect, and 5 found a decrease in crime. A 2014 study
6 from the Harvard Injury Control Research Center concluded that
7 a sizable majority of firearms researchers disagree with the
8 statement that the change in state level concealed carry laws in the
9 United States over the past few decades from more restrictive to
10 more permissive has reduced crime rates.

11 ~~(i)~~

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Page 10 + (j) Widespread carrying of firearms also impedes the exercise
12 of other fundamental rights. When firearms are present in public
13 spaces, it makes those places less safe, which discourages people
14 from attending protests, going to school, peacefully worshipping,
15 voting in person, and enjoying other activities.

16 (1) (A) While the net effect of policies that allow most people
17 to carry firearms in most places have negatively impacted public
18 safety broadly, their effects are likely to be far more deleterious
19 when extended to college campuses. Risks of violence, suicide
20 attempts, alcohol abuse, and other risky behavior are greatly
21 elevated among college-aged, youth and in the campus
22 environment, and the presence of firearms greatly increases the
23 risk of lethal and near-lethal outcomes from these behaviors and
24 in this context. Daniel W. Webster et al., *Firearms on College
25 Campuses: Research Evidence and Policy Implications*, Johns
26 Hopkins Bloomberg Sch. of Pub. Health (Oct. 15, 2016). Moreover,
27 once Georgia passed a law allowing firearms to be carried on
28 college campuses, campus members reported a statistically
29 significant increase in perceptions of the campus as unsafe, fear
30 of crime on campus, and lack of confidence in campus police; and
31 a “statistically significantly increase in the proportion of campus
32 members who reported experiencing fearful conflicts on campus.”
33 Jennifer McMahon-Howard et al., *Examining the Effects of Passing
34 a Campus Carry Law: Comparing Campus Safety Before and After
35 Georgia’s New Campus Carry Law*, 20 J. of Sch. Violence (2021)
36 430.

37 (B) Widespread carrying can also affect the ability to learn in
38 primary and secondary schools. One study concluded that students
39 exposed to school shootings have an increased absence rate, are
40 more likely to be chronically absent and repeat a grade in the two
Page 11 1 years following the event, and suffer negative long-term impacts
2 on high school graduation rates, college enrollment and graduation,
3 and future employment and earnings. Marika Cabral et al., *Trauma
4 at School: The Impacts of Shootings on Students’ Human Capital
5 and Economic Outcomes*, Nat’l Bureau of Econ. Research (Dec.
6 2020). Another study looked at longer term consequences of school
7 shootings, finding that exposure to shootings at schools resulted
8 in lower test scores, increased absenteeism, and increased
9 subsequent mortality for those students, and particularly boys, who
10 are exposed to the highest-victimization school shootings. Phillip

Page 11 11 Levine and Robin McKnight, Exposure to a School Shooting and
12 Subsequent Well-Being, Nat'l Bureau of Econ. Research (Dec.
13 2020).

14 (2) Widespread public carry also intimidates those who hope
15 to peacefully worship. Places of worship already experience serious
16 incidents or threats of violence. According to one study, the
17 percentage of mass shootings motivated by religious hate escalated
18 from 1 percent between 1966 and 2000 to 9 percent during
19 2000–2014 to 18 percent during 2018–February 2020. Richard R.
20 Johnson, Serious Violence at Places of Worship in the
21 U.S.—Looking at the Numbers, Dolan Consulting Grp. (Sept.
22 2019). A review of the Federal Investigation Bureau's National
23 Incident-Based Reporting System data—which covers only 20
24 percent of the country's population—from 2000 through 2016
25 found that 1,652 incidents of “serious violence” occurred at places
26 of worship, including aggravated assaults, shootings, stabbings,
27 and bombings, with 57 percent involving the use of a firearm.
28 Extrapolating those figures to the entire country would suggest
29 that there are about 480 incidents of serious violence at places of
30 worship in the United States each year. Allowing more people to
31 carry in places of worship threatens to make these incidents more
32 likely.

33 (3) Carrying firearms impedes the exercise of other rights of
34 the First Amendment to the United States Constitution, including
35 the right to protest and vote. In a nationally representative survey,
36 60 percent responded that they would be “very unlikely” to attend
37 a protest if guns were present, whereas only 7 percent said they
38 would be “very likely” to attend such a protest. Alexandra Filindra,
39 Americans Do Not Want Guns at Protests, this Research Shows,
40 Wash. Post (Nov. 21, 2021). Another study concluded that 16

Page 12 1 percent of demonstrations where firearms were present turned
2 violent, as compared to less than 3 percent of demonstrations where
3 firearms were not present. Everytown for Gun Safety & Armed
4 Conflict Locations & Event Data Project, Armed Assembly: Guns,
5 Demonstrations, and Political Violence in America (2021).

6 (j)

+ (k) An individual does not need to carry several firearms at any
7 one time in order to effectively defend themselves. Studies have
8 shown that, on average, individuals fire approximately two rounds
9 when using a firearm in self-defense inside or outside of the home,

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Page 12 10 including approximately 27 percent of incidents in which no shots
11 are fired and the mere brandishing of the firearm is sufficient for
12 self-defense. Limiting an individual to carrying no more than two
13 firearms in public at any given time will not impair the ability of
14 law-abiding, responsible individuals to engage in effective
15 self-defense with a firearm.

17 ~~(k)~~

18 (l) Laws requiring an assessment of dangerousness in connection
19 with obtaining firearms have saved lives. One study concluded
20 that since California's gun violence restraining order
21 process—which allows family members and law enforcement to
22 petition a court for an order temporarily prohibiting a person from
23 purchasing or possessing firearms, if a court finds that the person
24 is a danger to themselves or others—took effect in January 2016,
25 there have been 21 instances in which the statute was used to
26 prevent a mass shooting. Wintemute, et al., Extreme Risk
27 Protection Orders Intended to Prevent Mass Shootings, 171 Annals
28 of Internal Med. (2019) 655, 655-658. According to another study,
29 56 percent of mass shooters exhibited warning signs that they
30 posed a risk to themselves or others before they carried out the
+ shooting. Everytown for Gun Safety Support Fund, "Mass
31 Shootings in America," (Nov. 2020). One hundred percent of
32 perpetrators of school violence showed concerning behaviors
33 before committing their acts, according to a study by the United
34 States Secret Service and the United States Department of
35 Education. U.S. Secret Serv., Nat'l Threat Assessment Ctr.,
36 Protecting America's Schools: A U.S. Secret Service Analysis of
37 Targeted School Violence 43 (2019).

39 ~~(t)~~

+ (m) Broad public carry laws also impede the ability of law
40 enforcement to ensure the public's safety. For example, laws
Page 13 1 allowing open carry of firearms imperil law enforcement officers
2 on the front lines by making it much more difficult for an officer
3 to discern if a person is a threat, and when there is an active shooter
4 situation, makes it harder to determine the source of the threat.

5 SEC. 2. Section 171b of the Penal Code is amended to read:

6 171b. (a) Any person who brings or possesses within any state
7 or local public building or at any meeting required to be open to
8 the public pursuant to Chapter 9 (commencing with Section 54950)
9 of Part 1 of Division 2 of Title 5 of, or Article 9 (commencing

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Page 13 10 with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title
11 2 of, the Government Code, any of the following is guilty of a
12 public offense punishable by imprisonment in a county jail for not
13 more than one year, or in the state prison:
14 (1) Any firearm.
15 (2) Any deadly weapon described in Section 17235 or in any
16 provision listed in Section 16590.
17 (3) Any knife with a blade length in excess of four inches, the
18 blade of which is fixed or is capable of being fixed in an unguarded
19 position by the use of one or two hands.
20 (4) Any unauthorized tear gas weapon.
21 (5) Any taser or stun gun as defined in Section 244.5.
22 (6) Any instrument that expels a metallic projectile, such as a
23 BB or pellet, through the force of air pressure, CO₂ pressure, or
24 spring action, or any spot marker gun or paint gun.
25 (b) Subdivision (a) shall not apply to, or affect, any of the
26 following:
27 (1) A person who possesses weapons in, or transports weapons
28 into, a court of law to be used as evidence.
29 (2) (A) A duly appointed peace officer as defined in Chapter
30 4.5 (commencing with Section 830) of Title 3 of Part 2, a retired
31 peace officer with authorization to carry concealed weapons as
32 described in Article 2 (commencing with Section 25450) of Chapter
33 2 of Division 5 of Title 4 of Part 6, a full-time paid peace officer
34 of another state or the federal government who is carrying out
35 official duties while in California, or any person summoned by
36 any of these officers to assist in making arrests or preserving the
37 peace while they are actually engaged in assisting the officer.
39 (B) Notwithstanding subparagraph (A), subdivision (a) shall
40 apply to any person who brings or possesses any weapon specified
Page 14 1 therein within any courtroom if they are a party to an action
2 pending before the court.
+ (3) *A person holding a valid license to carry the firearm*
+ *pursuant to Chapter 4 (commencing with Section 26150) of*
+ *Division 5 of Title 4 of Part 6 who possesses the firearm within a*
+ *building designated for a court proceeding, including matters*
+ *before a superior court, district court of appeal, or the California*
+ *Supreme Court, and is a justice, judge, or commissioner of the*
+ *court.*
7 (3)

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Page 14 + (4) A person who has permission to possess that weapon granted
8 in writing by a duly authorized official who is in charge of the
9 security of the state or local government building.
11 (4)
+ (5) A person who lawfully resides in, lawfully owns, or is in
12 lawful possession of, that building with respect to those portions
13 of the building that are not owned or leased by the state or local
14 government.
16 (5)
+ (6) A person licensed or registered in accordance with, and
17 acting within the course and scope of, Chapter 11.5 (commencing
18 with Section 7512) or Chapter 11.6 (commencing with Section
19 7590) of Division 3 of the Business and Professions Code who
20 has been hired by the owner or manager of the building if the
21 person has permission pursuant to paragraph (5).
23 (6)
+ (7) (A) A person who, for the purpose of sale or trade, brings
24 any weapon that may otherwise be lawfully transferred, into a gun
25 show conducted pursuant to Article 1 (commencing with Section
26 27200) and Article 2 (commencing with Section 27300) of Chapter
27 3 of Division 6 of Title 4 of Part 6.
28 (B) A person who, for purposes of an authorized public
29 exhibition, brings any weapon that may otherwise be lawfully
30 possessed, into a gun show conducted pursuant to Article 1
31 (commencing with Section 27200) and Article 2 (commencing
32 with Section 27300) of Chapter 3 of Division 6 of Title 4 of Part
33 6.
34 (c) As used in this section, “state or local public building” means
35 a building that meets all of the following criteria:
36 (1) It is a building or part of a building owned or leased by the
37 state or local government, if state or local public employees are
38 regularly present for the purposes of performing their official
39 duties. A state or local public building includes, but is not limited
40 to, a building that contains a courtroom.
Page 15 1 (2) It is not a building or facility, or a part thereof, that is referred
2 to in Section 171c, 171d, 626.9, 626.95, or 626.10 of this code, or
3 in Section 18544 of the Elections Code.
4 (3) It is a building not regularly used, and not intended to be
5 used, by state or local employees as a place of residence.
6 SEC. 3. ~~Section 171c of the Penal Code is amended to read:~~

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Page 15 7 ~~171c. (a) (1) Any person who brings a loaded firearm into,~~
8 ~~or possesses a loaded firearm within, the State Capitol, the state~~
9 ~~office building at 1021 O Street in the City of Sacramento, any~~
10 ~~legislative office, any office of the Governor or other constitutional~~
11 ~~officer, or any hearing room in which any committee of the Senate~~
12 ~~or Assembly is conducting a hearing, or upon the grounds of the~~
13 ~~State Capitol, which is bounded by 10th, L, 15th, and N Streets in~~
14 ~~the City of Sacramento, shall be punished by imprisonment in a~~
15 ~~county jail for a period of not more than one year, a fine of not~~
16 ~~more than one thousand dollars (\$1,000), or both such~~
17 ~~imprisonment and fine, or by imprisonment pursuant to subdivision~~
18 ~~(h) of Section 1170.~~
19 ~~(2) Any person who brings or possesses, within the State Capitol,~~
20 ~~any legislative office, any hearing room in which any committee~~
21 ~~of the Senate or Assembly is conducting a hearing, the Legislative~~
22 ~~Office Building at 1020 N Street in the City of Sacramento, the~~
23 ~~state office building at 1021 O Street in the City of Sacramento,~~
24 ~~or upon the grounds of the State Capitol, which is bounded by~~
25 ~~10th, L, 15th, and N Streets in the City of Sacramento, any of the~~
26 ~~following, is guilty of a misdemeanor punishable by imprisonment~~
27 ~~in a county jail for a period not to exceed one year, or by a fine~~
28 ~~not exceeding one thousand dollars (\$1,000), or by both that fine~~
29 ~~and imprisonment, if the area is posted with a statement providing~~
30 ~~reasonable notice that prosecution may result from possession of~~
31 ~~any of these items:~~
32 ~~(A) Any firearm.~~
33 ~~(B) Any deadly weapon described in Section 21510 or in any~~
34 ~~provision listed in Section 16590.~~
35 ~~(C) Any knife with a blade length in excess of four inches, the~~
36 ~~blade of which is fixed or is capable of being fixed in an unguarded~~
37 ~~position by the use of one or two hands.~~
38 ~~(D) Any unauthorized tear gas weapon.~~
39 ~~(E) Any stun gun as defined in Section 244.5.~~
Page 16 1 ~~(F) Any instrument that expels a metallic projectile, such as a~~
2 ~~BB or pellet, through the force of air pressure, CO₂ pressure, or~~
3 ~~spring action, or any spot marker gun or paint gun.~~
4 ~~(G) Any ammunition as defined in Sections 16150 and 16650.~~
5 ~~(H) Any explosive as defined in Section 12000 of the Health~~
6 ~~and Safety Code.~~

Page 16 7 ~~(b) Subdivision (a) shall not apply to, or affect, a duly appointed~~
9 ~~peace officer as defined in Chapter 4.5 (commencing with Section~~
10 ~~830) of Title 3 of Part 2, a retired peace officer with authorization~~
11 ~~to carry concealed weapons as described in Article 2 (commencing~~
12 ~~with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part~~
13 ~~6, a full-time paid peace officer of another state or the federal~~
14 ~~government who is carrying out official duties while in California,~~
15 ~~or any person summoned by any of these officers to assist in~~
16 ~~making arrests or preserving the peace while that person is actually~~
17 ~~engaged in assisting the officer.~~

27 ~~(e) (1) Nothing in this section shall preclude prosecution under~~
28 ~~Chapter 2 (commencing with Section 29800) or Chapter 3~~
29 ~~(commencing with Section 29900) of Division 9 of Title 4 of Part~~
30 ~~6 of this code, Section 8100 or 8103 of the Welfare and Institutions~~
31 ~~Code, or any other law with a penalty greater than is set forth in~~
32 ~~this section.~~

33 ~~(2) The provisions of this section are cumulative, and shall not~~
34 ~~be construed as restricting the application of any other law.~~
35 ~~However, an act or omission punishable in different ways by~~
36 ~~different provisions of law shall not be punished under more than~~
37 ~~one provision.~~

38 ~~SEC. 4.~~

+ SEC. 3. Section 171d of the Penal Code is amended to read:

39 171d. Any person, except a duly appointed peace officer as
40 defined in Chapter 4.5 (commencing with Section 830) of Title 3
Page 17 1 of Part 2, a full-time paid peace officer of another state or the
2 federal government who is carrying out official duties while in
3 California, any person summoned by that officer to assist in making
4 arrests or preserving the peace while they are actually engaged in
5 assisting the officer, a member of the military forces of this state
6 or of the United States engaged in the performance of their duties,
9 the Governor or a member of their immediate family or a person
10 acting with their permission with respect to the Governor's
11 Mansion or any other residence of the Governor, any other
12 constitutional officer or a member of their immediate family or a
13 person acting with their permission with respect to the officer's
15 residence, or a Member of the Legislature or a member of their
16 immediate family or a person acting with their permission with
17 respect to the Member's residence, shall be punished by
18 imprisonment in a county jail for not more than one year, by fine

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Page 17 19 of not more than one thousand dollars (\$1,000), or by both the fine
20 and imprisonment, or by imprisonment pursuant to subdivision
21 (h) of Section 1170, if they do either of the following:
22 (a) Brings a loaded firearm into, or possesses a loaded firearm
23 within, the Governor's Mansion, or any other residence of the
24 Governor, the residence of any other constitutional officer, or the
25 residence of any Member of the Legislature.
26 (b) Brings a loaded firearm upon, or possesses a loaded firearm
27 upon, the grounds of the Governor's Mansion or any other
28 residence of the Governor, the residence of any other constitutional
29 officer, or the residence of any Member of the Legislature.
30
31 ~~SEC. 5.~~
+ SEC. 4. Section 171.5 of the Penal Code is amended to read:
32 171.5. (a) For purposes of this section:
33 (1) "Airport" means an airport, with a secured area, that
34 regularly serves an air carrier holding a certificate issued by the
35 United States Secretary of Transportation.
36 (2) "Passenger vessel terminal" means only that portion of a
37 harbor or port facility, as described in Section 105.105(a)(2) of
38 Title 33 of the Code of Federal Regulations, with a secured area
39 that regularly serves scheduled commuter or passenger operations.
+ (3) "Sterile area" means a portion of an airport defined in the
+ airport security program to which access generally is controlled
+ through the screening of persons and property, as specified in
+ Section 1540.5 of Title 49 of the Code of Federal Regulations, or
+ a portion of any passenger vessel terminal to which, pursuant to
+ the requirements set forth in Sections 105.255 and 105.260(a) of
+ Title 33 of the Code of Federal Regulations, access is generally
+ controlled in a manner consistent with the passenger vessel
+ terminal's security plan and the maritime security level in effect
Page 18 11 at the time.
12 (b) It is unlawful for any person to knowingly ~~possess~~ possess,
+ within any sterile area of an airport or a passenger vessel terminal,
13 any of the items listed in subdivision (e) in any building, real
14 property, or parking area under the control of an airport or
15 passenger vessel terminal. (c).
16 (c) The following items are unlawful to possess as provided in
17 subdivision (b):
18 (1) ~~Any firearm.~~
19 (2)

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Page 18 + (1) Any knife with a blade length in excess of four inches, the
20 blade of which is fixed, or is capable of being fixed, in an
21 unguarded position by the use of one or two hands.
22 ~~(3)~~
+ (2) Any box cutter or straight razor.
23 ~~(4)~~
+ (3) Any metal military practice hand grenade.
24 ~~(5)~~
+ (4) Any metal replica hand grenade.
25 ~~(6)~~
+ (5) Any plastic replica hand grenade.
26 ~~(7)~~
+ (6) Any imitation firearm as defined in Section 417.4.
27 ~~(8)~~
+ (7) Any frame, receiver, barrel, or magazine of a firearm.
28 ~~(9)~~
+ (8) Any unauthorized tear gas weapon.
29 ~~(10)~~
+ (9) Any taser or stun gun as defined in Section 244.5.
30 ~~(11)~~
+ (10) Any instrument that expels a metallic projectile, such as a
31 BB or pellet, through the force of air pressure, CO₂ pressure, or
32 spring action, or any spot marker gun or paint gun.
33 ~~(12)~~
+ (11) Any ammunition as defined in Section 16150.
+ (d) *It is unlawful for any person to knowingly possess any*
+ *firearm in any building, real property, or parking area under the*
+ *control of an airport, except as provided for in subdivisions (b),*
+ *(c), or (d) of Section 26230.*
34 ~~(d) Subdivision (b)~~
+ (e) *Subdivisions (b) and (d) shall not apply to, or affect, any of*
35 *the following:*
36 (1) A duly appointed peace officer as defined in Chapter 4.5
37 (commencing with Section 830) of Title 3 of Part 2, a retired peace
38 officer with authorization to carry concealed weapons as described
39 in Article 2 (commencing with Section 25450) of Chapter 2 of
40 Division 5 of Title 4 of Part 6, a full-time paid peace officer of
Page 19 1 another state or the federal government who is carrying out official
2 duties while in California, or any person summoned by any of

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Page 19 3 these officers to assist in making arrests or preserving the peace
4 while they are actually engaged in assisting the officer.
5 (2) A person who has authorization to possess a weapon
6 specified in subdivision (c), granted in writing by an airport
7 security coordinator who is designated as specified in Section
8 1542.3 of Title 49 of the Code of Federal Regulations, and who is
9 responsible for the security of the airport.
10 (3) A person, including an employee of a licensed contract guard
11 service, who has authorization to possess a weapon specified in
12 subdivision (c) granted in writing by a person discharging the
13 duties of Facility Security Officer or Company Security Officer
14 pursuant to an approved United States Coast Guard facility security
15 plan, and who is responsible for the security of the passenger vessel
16 terminal.
17 (e)
18 (f) A violation of this section is punishable by imprisonment in
19 a county jail for a period not exceeding six months, or by a fine
20 not exceeding one thousand dollars (\$1,000), or by both that fine
21 and imprisonment.
22 (f)
23 (g) The provisions of this section are cumulative, and shall not
24 be construed as restricting the application of any other law.
25 However, an act or omission that is punishable in different ways
26 by this and any other provision of law shall not be punished under
27 more than one provision.
28 (g)
29 (h) Nothing in this section is intended to affect existing state or
30 federal law regarding the transportation of firearms on airplanes
31 in checked-luggage: *luggage or the possession of the items listed*
32 *in subdivision (c) in areas that are not "sterile areas."*
33 ~~SEC. 6.~~
34 + SEC. 5. Section 171.7 of the Penal Code is amended to read:
35 171.7. (a) For purposes of this section:
36 (1) "Public transit facility" means any land, building, or
37 equipment, or any interest therein, including any station on a public
38 transportation route, to which access is controlled in a manner
39 consistent with the public transit authority's security plan, whether
or not the operation thereof produces revenue, that has as its
primary purpose the operation of a public transit system or the
providing of services to the passengers of a public transit system.

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Page 19 40 A public transit system includes the vehicles used in the system,
Page 20 1 including, but not limited to, motor vehicles, streetcars, trackless
2 trolleys, buses, light rail systems, rapid transit systems, subways,
3 trains, or jitneys, that transport members of the public for hire.
8 (2) "Firearm" has the same meaning as specified in subdivisions
9 (a) and (b) of Section 16520.
10 (b) It is unlawful for any person to knowingly possess any of
14 the following in a public transit facility:
15 (1) Any firearm.
16 (2) Any imitation firearm as defined in Section 417.4.
17 (3) Any instrument that expels a metallic projectile, such as a
18 BB or pellet, through the force of air pressure, CO₂ pressure, or
19 spring action, or any spot marker gun or paint gun.
20 (4) Any metal military practice hand grenade.
21 (5) Any metal replica hand grenade.
22 (6) Any plastic replica hand grenade.
23 (7) Any unauthorized tear gas weapon.
24 (8) Any undetectable knife, as described in Section 17290.
25 (9) Any undetectable firearm, as described in Section 17280.
26 (c) (1) Subdivision (b) shall not apply to, or affect, any of the
27 following:
28 (A) A duly appointed peace officer as defined in Chapter 4.5
29 (commencing with Section 830) of Title 3 of Part 2.
30 (B) A retired peace officer with authorization to carry concealed
31 weapons as described in Article 2 (commencing with Section
32 25450) of Chapter 2 of Division 5 of Title 4 of Part 6.
33 (C) A full-time paid peace officer of another state or the federal
34 government who is carrying out official duties while in California.
35 (D) A qualified law enforcement officer of another state or the
36 federal government, as permitted under the Law Enforcement
37 Officers Safety Act pursuant to Section 926B or 926C of Title 18
38 of the United States Code.
39 (E) Any person summoned by any of the officers listed in
40 subparagraphs (A) to (C), inclusive, to assist in making arrests or
Page 21 1 preserving the peace while they are actually engaged in assisting
2 the officer.
3 (F) A person who is responsible for the security of the public
4 transit system and who has been authorized by the public transit
5 authority's security coordinator, in writing, to possess a weapon
6 specified in subdivision (b).

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Page 21 7 (2) Paragraph (1) of subdivision (b) does not apply to or affect
8 a person who is exempt from the prohibition against carrying a
9 handgun pursuant to Section 25400 if the carrying of that handgun
10 is in accordance with the terms and conditions of the exemption
11 specified in Article 2 (commencing with Section 25450) of Chapter
12 2 of Division 5 of Title 4 of Part 6 or Sections 25615 to ~~25650~~,
13 ~~25655~~, inclusive.
14 (3) Paragraph (7) of subdivision (b) shall not apply to or affect
15 the possession of a tear gas weapon when possession is permitted
16 pursuant to Division 11 (commencing with Section 22810) of Title
17 3 of Part 6.
18 (d) A violation of this section is punishable by imprisonment
19 in a county jail for a period not exceeding six months, or by a fine
20 not exceeding one thousand dollars (\$1,000), or by both that fine
21 and imprisonment.
22 (e) The provisions of this section are cumulative, and shall not
23 be construed as restricting the application of any other law.
24 However, an act or omission that is punishable in different ways
25 by this and any other provision of law shall not be punished under
26 more than one provision.
27 (f) This section does not prevent prosecution under any other
28 provision of law that may provide a greater punishment.
29 (g) This section shall be interpreted so as to be consistent with
30 Section 926A of Title 18 of the United States Code.
31 ~~SEC. 7.~~
+ SEC. 6. Section 626.9 of the Penal Code is amended to read:
32 626.9. (a) This section shall be known, and may be cited, as
33 the Gun-Free School Zone Act of 1995.
34 (b) Any person who possesses a firearm in a place that the
35 person knows, or reasonably should know, is a school zone as
36 defined in paragraph (4) of subdivision (e), shall be punished as
37 specified in subdivision (f).
38 (c) Subdivision (b) does not apply to the possession of a firearm
39 under any of the following circumstances:
Page 22 1 (1) Within a place of residence or place of business or on private
2 property, if the place of residence, place of business, or private
3 property is not part of the school grounds and the possession of
4 the firearm is otherwise lawful.

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+ (2) (A) When the firearm is an unloaded pistol, revolver, or
+ other firearm capable of being concealed on the person and is in
+ a locked container or within the locked trunk of a motor vehicle.

+ (B) This section does not prohibit or limit the otherwise lawful
+ transportation of any other firearm, other than a pistol, revolver,
+ or other firearm capable of being concealed on the person, in
+ accordance with state law.

Page 22 13 (2)
14 (3) When the person possessing the firearm reasonably believes
15 that they are in grave danger because of circumstances forming
16 the basis of a current restraining order issued by a court against
17 another person or persons who has or have been found to pose a
18 threat to their life or safety. This subdivision does not apply when
19 the circumstances involve a mutual restraining order issued
20 pursuant to Division 10 (commencing with Section 6200) of the
21 Family Code absent a factual finding of a specific threat to the
22 person's life or safety. Upon a trial for violating subdivision (b),
23 the trier of a fact shall determine whether the defendant was acting
24 out of a reasonable belief that they were in grave danger.

26 (3)
+ (4) When the person is exempt from the prohibition against
27 carrying a concealed firearm pursuant to Section 25615, 25625,
28 25630, or 25645.

30 (4)
+ (5) When the person holds a valid license to carry the firearm
31 pursuant to Chapter 4 (commencing with Section 26150) of
32 Division 5 of Title 4 of Part 6, who is carrying that firearm in an
33 area that is ~~not in~~ within a distance of 1,000 feet from the grounds
+ of the public or private school, but is not within any building, real
34 property, or parking area under the control of a public or private
35 school providing instruction in kindergarten or grades 1 to 12,
36 inclusive, or on a street or sidewalk immediately adjacent to a
37 building, real property, or parking area under the control of that
38 public or private school, but within a distance of 1,000 feet from
39 the grounds of the public or private school. Nothing in this
+ paragraph shall prohibit a person holding a valid license to carry
+ the firearm pursuant to Chapter 4 (commencing with Section
+ 26150) of Division 5 of Title 4 of Part 6 from carrying a firearm
+ in accordance with that license as provided in subdivisions (b),
+ (c), or (d) of Section 26230.

Page 23 1 (d) Except as provided in subdivision (b), it shall be unlawful
2 for any person, with reckless disregard for the safety of another,
3 to discharge, or attempt to discharge, a firearm in a school zone
4 as defined in paragraph (4) of subdivision (e).
5 The prohibition contained in this subdivision does not apply to
6 the discharge of a firearm to the extent that the conditions of
7 paragraph (1) of subdivision (c) are satisfied.
8 (e) As used in this section, the following definitions shall apply:
9 (1) "Concealed firearm" has the same meaning as that term is
10 given in Sections 25400 and 25610.
11 (2) "Firearm" has the same meaning as that term is given in
12 subdivisions (a) to (d), inclusive, of Section 16520.
13 (3) "Locked container" has the same meaning as that term is
14 given in Section 16850.
15 (4) "School zone" means an area in, or on the grounds of, a
16 public or private school providing instruction in kindergarten or
17 grades 1 to 12, inclusive, or within a distance of 1,000 feet from
18 the grounds of the public or private school.
19 (f) (1) A person who violates subdivision (b) by possessing a
20 firearm in, or on the grounds of, a public or private school
21 providing instruction in kindergarten or grades 1 to 12, inclusive,
22 shall be punished by imprisonment pursuant to subdivision (h) of
23 Section 1170 for two, three, or five years.
24 (2) A person who violates subdivision (b) by possessing a
25 firearm within a distance of 1,000 feet from the grounds of a public
26 or private school providing instruction in kindergarten or grades
27 1 to 12, inclusive, shall be punished as follows:
28 (A) By imprisonment pursuant to subdivision (h) of Section
29 1170 for two, three, or five years, if any of the following
30 circumstances apply:
31 (i) If the person previously has been convicted of any felony,
32 or of any crime made punishable by any provision listed in Section
33 16580.
34 (ii) If the person is within a class of persons prohibited from
35 possessing or acquiring a firearm pursuant to Chapter 2
36 (commencing with Section 29800) or Chapter 3 (commencing with
37 Section 29900) of Division 9 of Title 4 of Part 6 of this code or
38 Section 8100 or 8103 of the Welfare and Institutions Code.

Page 24 1 (iii) If the firearm is any pistol, revolver, or other firearm capable
2 of being concealed upon the person and the offense is punished as
3 a felony pursuant to Section 25400.
4 (B) By imprisonment in a county jail for not more than one year
5 or by imprisonment pursuant to subdivision (h) of Section 1170
6 for two, three, or five years, in all cases other than those specified
7 in subparagraph (A).
8 (3) A person who violates subdivision (d) shall be punished by
9 imprisonment pursuant to subdivision (h) of Section 1170 for three,
10 five, or seven years.
11 (g) (1) A person convicted under this section for a misdemeanor
12 violation of subdivision (b) who has been convicted previously of
13 a misdemeanor offense enumerated in Section 23515 shall be
14 punished by imprisonment in a county jail for not less than three
15 months, or if probation is granted or if the execution or imposition
16 of sentence is suspended, it shall be a condition thereof that they
17 be imprisoned in a county jail for not less than three months.
18 (2) A person convicted under this section of a felony violation
19 of subdivision (b) or (d) who has been convicted previously of a
20 misdemeanor offense enumerated in Section 23515, if probation
21 is granted or if the execution of sentence is suspended, it shall be
22 a condition thereof that they be imprisoned in a county jail for not
23 less than three months.
24 (3) A person convicted under this section for a felony violation
25 of subdivision (b) or (d) who has been convicted previously of any
26 felony, or of any crime made punishable by any provision listed
27 in Section 16580, if probation is granted or if the execution or
28 imposition of sentence is suspended, it shall be a condition thereof
29 that they be imprisoned in a county jail for not less than three
30 months.
31 (4) The court shall apply the three-month minimum sentence
32 specified in this subdivision, except in unusual cases where the
33 interests of justice would best be served by granting probation or
34 suspending the execution or imposition of sentence without the
35 minimum imprisonment required in this subdivision or by granting
36 probation or suspending the execution or imposition of sentence
37 with conditions other than those set forth in this subdivision, in
38 which case the court shall specify on the record and shall enter on
39 the minutes the circumstances indicating that the interests of justice
Page 25 1 would best be served by this disposition.
2

Page 25 3 (h) Notwithstanding Section 25605, any person who brings or
4 possesses a loaded firearm upon the grounds of a campus of, or
5 buildings owned or operated for student housing, teaching,
6 research, or administration by, a public or private university or
7 college, that are contiguous or are clearly marked university
8 property, unless it is with the written permission of the university
9 or college president, their designee, or equivalent university or
10 college authority, shall be punished by imprisonment pursuant to
11 subdivision (h) of Section 1170 for two, three, or four years.
12 Notwithstanding subdivision (k), a university or college shall post
13 a prominent notice at primary entrances on noncontiguous property
14 stating that firearms are prohibited on that property pursuant to
15 this subdivision.

16 (i) Notwithstanding Section 25605, any person who brings or
17 possesses a firearm upon the grounds of a campus of, or buildings
18 owned or operated for student housing, teaching, research, or
19 administration by, a public or private university or college, that
20 are contiguous or are clearly marked university property, unless
21 it is with the written permission of the university or college
22 president, their designee, or equivalent university or college
23 authority, shall be punished by imprisonment pursuant to
24 subdivision (h) of Section 1170 for one, two, or three years.
25 Notwithstanding subdivision (k), a university or college shall post
26 a prominent notice at primary entrances on noncontiguous property
27 stating that firearms are prohibited on that property pursuant to
28 this subdivision.

29 (j) For purposes of this section, a firearm shall be deemed to be
30 loaded when there is an unexpended cartridge or shell, consisting
31 of a case that holds a charge of powder and a bullet or shot, in, or
32 attached in any manner to, the firearm, including, but not limited
33 to, in the firing chamber, magazine, or clip thereof attached to the
34 firearm. A muzzle-loader firearm shall be deemed to be loaded
35 when it is capped or primed and has a powder charge and ball or
36 shot in the barrel or cylinder.

37 (k) This section does not require that notice be posted regarding
38 the proscribed conduct.

39 (l) This section does not apply to a duly appointed peace officer
40 as defined in Chapter 4.5 (commencing with Section 830) of Title
Page 26 1 3 of Part 2, a full-time paid peace officer of another state or the
2 federal government who is carrying out official duties while in

Page 26 3 California, any person summoned by any of these officers to assist
4 in making arrests or preserving the peace while they are actually
5 engaged in assisting the officer, a member of the military forces
6 of this state or of the United States who is engaged in the
7 performance of their duties, or an armored vehicle guard, engaged
8 in the performance of their duties as defined in subdivision (d) of
9 Section 7582.1 of the Business and Professions Code.

11 (m) This section does not apply to a security guard authorized
12 to carry a loaded firearm pursuant to Article 4 (commencing with
13 Section 26000) of Chapter 3 of Division 5 of Title 4 of Part 6.

14 (n) This section does not apply to an existing shooting range at
15 a public or private school or university or college campus.

16 (o) This section does not apply to an honorably retired peace
17 officer authorized to carry a concealed or loaded firearm pursuant
18 to any of the following:

19 (1) Article 2 (commencing with Section 25450) of Chapter 2
20 of Division 5 of Title 4 of Part 6.

21 (2) Section 25650.

22 (3) Sections 25900 to 25910, inclusive.

23 (4) Section 26020.

24 (5) Paragraph (2) of subdivision (c) of Section 26300.

25 (p) This section does not apply to a peace officer appointed
26 pursuant to Section 830.6 who is authorized to carry a firearm by
27 the appointing agency.

28 (q) (1) This section does not apply to the activities of a program
29 involving shooting sports or activities, including, but not limited
30 to, trap shooting, skeet shooting, sporting clays, and pistol shooting,
31 that are sanctioned by a school, school district, college, university,
32 or other governing body of the institution, that occur on the grounds
33 of a public or private school or university or college campus.

34 (2) This section does not apply to the activities of a
35 state-certified hunter education program pursuant to Section 3051
36 of the Fish and Game Code if all firearms are unloaded and
37 participants do not possess live ammunition in a school building.

38 ~~SEC. 8.~~

+ SEC. 7. Section 25350 is added to the Penal Code, to read:
39 25350. (a) If any section, subdivision, paragraph,
40 subparagraph, sentence, clause, or phrase of any provision in this
Page 27 1 division is for any reason held unconstitutional, that decision does
2 not affect the validity of any other provision in the division. The

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Page 27 3 Legislature hereby declares that it would have passed the provisions
4 listed in this division and each chapter, section, subdivision,
5 paragraph, subparagraph, sentence, clause, and phrase of those
6 provisions irrespective of the fact that any one or more other
7 sections, subdivisions, paragraphs, subparagraphs, sentences,
8 clauses, or phrases be declared unconstitutional.

+ (b) *If any application of any provision in this division to any*
+ *person, group of persons, or circumstances is found by a court to*
+ *be invalid or unconstitutional, the remaining applications of that*
+ *provision to all other persons and circumstances shall be severed*
+ *and shall not be affected. All constitutionally valid applications*
+ *of this division shall be severed from any applications that a court*
+ *finds to be invalid, leaving the valid applications in force, because*
+ *it is the Legislature's intent and priority that the valid applications*
+ *be allowed to stand alone. Even if a reviewing court finds a*
+ *provision of this division to impose an unconstitutional burden in*
+ *a large or substantial fraction of relevant cases, the applications*
+ *that do not present an unconstitutional burden shall be severed*
+ *from the remaining applications and shall remain in force, and*
+ *shall be treated as if the Legislature had enacted a statute limited*
+ *to the persons, group of persons, or circumstances for which the*
+ *statute's application does not present an unconstitutional burden.*
+ *If any court declares or finds a provision of this division facially*
+ *unconstitutional, when discrete applications of that provision can*
+ *be enforced against a person, group of persons, or circumstances*
+ *without violating the United States Constitution and the California*
+ *Constitution, those applications shall be severed from all remaining*
+ *applications of the provision, and the provision shall be interpreted*
+ *as if the Legislature had enacted a provision limited to the persons,*
+ *group of persons, or circumstances for which the provision's*
+ *application will not violate the United States Constitution and the*
+ *California Constitution.*

9 ~~SEC. 9.~~

10 SEC. 8. Section 25610 of the Penal Code is amended to read:

11 25610. Section 25400 shall not be construed to prohibit any
12 citizen of the United States over the age of 18 years who resides
13 or is temporarily within this state, and who is not prohibited by
+ state or federal law from possessing, receiving, owning, or
14 purchasing a firearm, from transporting or carrying any pistol,
15 revolver, or other firearm capable of being concealed upon the

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Page 27 16 person for any purpose specified in Sections 25510 to 25595,
17 inclusive, provided that either of the following applies to the
18 firearm:
20 (a) The firearm is unloaded, within a motor vehicle, and locked
21 in the vehicle's trunk or in a locked container in the vehicle.
24 (b) The firearm is unloaded, carried by the person directly to or
25 from any motor vehicle, and, while carrying the firearm, the firearm
26 is contained within a locked container.
32 ~~SEC. 10.~~
+ SEC. 9. Section 25850 of the Penal Code is amended to read:
33 25850. (a) A person is guilty of carrying a loaded firearm
34 when the person carries a loaded firearm on the person or in a
35 vehicle while in any public place or on any public street in an
36 incorporated city, city and county, or in any public place or on any
37 public street in a prohibited area in an unincorporated area of a
38 county or city and county.
39 (b) In order to determine whether or not a firearm is loaded for
40 the purpose of enforcing this section, peace officers are authorized
Page 28 1 to examine any firearm carried by anyone on the person or in a
2 vehicle while in any public place or on any public street in an
3 incorporated city or prohibited area of an unincorporated territory.
4 Refusal to allow a peace officer to inspect a firearm pursuant to
5 this section constitutes probable cause for arrest for violation of
6 this section.
7 (c) Carrying a loaded firearm in violation of this section is
8 punishable, as follows:
9 (1) Where the person previously has been convicted of any
10 felony, or of any crime made punishable by a provision listed in
11 Section 16580, as a felony.
12 (2) Where the firearm is stolen and the person knew or had
13 reasonable cause to believe that it was stolen, as a felony.
14 (3) Where the person is an active participant in a criminal street
15 gang, as defined in subdivision (a) of Section 186.22, under the
16 Street Terrorism Enforcement and Prevention Act (Chapter 11
17 (commencing with Section 186.20) of Title 7 of Part 1), as a felony.
18 (4) Where the person is not in lawful possession of the firearm,
19 or is within a class of persons prohibited from possessing or
20 acquiring a firearm pursuant to Chapter 2 (commencing with
21 Section 29800) or Chapter 3 (commencing with Section 29900)

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Page 28 22 of Division 9 of this title, or Section 8100 or 8103 of the Welfare
23 and Institutions Code, as a felony.
24 (5) Where the person has been convicted of a crime against a
25 person or property, or of a narcotics or dangerous drug violation,
26 by imprisonment pursuant to subdivision (h) of Section 1170, or
27 by imprisonment in a county jail not to exceed one year, by a fine
28 not to exceed one thousand dollars (\$1,000), or by both that
29 imprisonment and fine.
30 (6) Where the person is not listed with the Department of Justice
31 pursuant to Section 11106 as the ~~registered~~ *recorded* owner of the
32 handgun, by imprisonment pursuant to subdivision (h) of Section
33 1170, or by imprisonment in a county jail not to exceed one year,
34 or by a fine not to exceed one thousand dollars (\$1,000), or both
35 that fine and imprisonment.
36 (7) In all cases other than those specified in paragraphs (1) to
37 (6), inclusive, as a misdemeanor, punishable by imprisonment in
38 a county jail not to exceed one year, by a fine not to exceed one
39 thousand dollars (\$1,000), or by both that imprisonment and fine.
Page 29 1 (d) (1) Every person convicted under this section who has
2 previously been convicted of an offense enumerated in Section
3 23515, or of any crime made punishable under a provision listed
4 in Section 16580, shall serve a term of at least three months in a
5 county jail, or, if granted probation or if the execution or imposition
6 of sentence is suspended, it shall be a condition thereof that the
7 person be imprisoned for a period of at least three months.
8 (2) The court shall apply the three-month minimum sentence
9 except in unusual cases where the interests of justice would best
10 be served by granting probation or suspending the imposition or
11 execution of sentence without the minimum imprisonment required
12 in this section or by granting probation or suspending the
13 imposition or execution of sentence with conditions other than
14 those set forth in this section, in which case, the court shall specify
15 on the record and shall enter on the minutes the circumstances
16 indicating that the interests of justice would best be served by that
17 disposition.
18 (e) A violation of this section that is punished by imprisonment
19 in a county jail not exceeding one year shall not constitute a
20 conviction of a crime punishable by imprisonment for a term
21 exceeding one year for the purposes of determining federal firearms

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Page 29 22 eligibility under Section 922(g)(1) of Title 18 of the United States
23 Code.
24 (f) Nothing in this section, or in Article 3 (commencing with
25 Section 25900) or Article 4 (commencing with Section 26000),
26 shall preclude prosecution under Chapter 2 (commencing with
27 Section 29800) or Chapter 3 (commencing with Section 29900)
28 of Division 9 of this title, Section 8100 or 8103 of the Welfare and
29 Institutions Code, or any other law with a greater penalty than this
30 section.
31 (g) Notwithstanding paragraphs (2) and (3) of subdivision (a)
32 of Section 836, a peace officer may make an arrest without a
33 warrant:
34 (1) When the person arrested has violated this section, although
35 not in the officer's presence.
36 (2) Whenever the officer has reasonable cause to believe that
37 the person to be arrested has violated this section, whether or not
38 this section has, in fact, been violated.
39 (h) A peace officer may arrest a person for a violation of
40 paragraph (6) of subdivision (c), if the peace officer has probable
Page 30 1 cause to believe that the person is carrying a handgun in violation
2 of this section and that person is not listed with the Department of
3 Justice pursuant to paragraph (1) of subdivision (c) of Section
4 11106 as the ~~registered~~ *recorded* owner of that handgun.
5 ~~SEC. 11.~~
6 ~~SEC. 11.~~
+ SEC. 10. Section 26150 of the Penal Code is amended to read:
7 26150. (a) When a person applies for a new license or license
8 renewal to carry a pistol, revolver, or other firearm capable of
9 being concealed upon the person, the sheriff of a county shall issue
10 or renew a license to that person upon proof of all of the following:
11 (1) The applicant is a qualified person to receive such a license,
12 as determined in accordance with the standards set forth in Section
13 26202.
14 (2) The applicant is at least 21 years of ~~age~~ *age, and presents*
15 *clear evidence of the person's identity and age, as defined in*
16 *Section 16400.*
+ (3) The applicant is a resident of the county or a city within the
17 county, or the applicant's principal place of employment or
18 business is in the county or a city within the county and the
19 applicant spends a substantial period of time in that place of
20 employment or business. *Prima facie evidence of residency within*
21

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Amendment 60

Amendment 61

Amendment 62

+ *the county or a city within the county includes, but is not limited*
+ *to, the address where the applicant is registered to vote, the*
+ *applicant's filing of a homeowner's property tax exemption, and*
+ *other acts, occurrences, or events that indicate presence in the*
+ *county or a city within the county is more than temporary or*
+ *transient. The presumption of residency in the county or city within*
+ *the county may be rebutted by satisfactory evidence that the*
+ *applicant's primary residence is in another county or city within*
+ *the county.*

Page 30 22 (4) The applicant has completed a course of training as described
23 in Section 26165.

24 (5) The applicant is the recorded owner, with the Department
25 of Justice, of the pistol, revolver, or other firearm for which the
26 license will be issued.

27 (b) The sheriff shall issue or renew a license under subdivision
28 (a) in either of the following formats:

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

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

36 (c) (1) Nothing in this chapter shall preclude the sheriff of the
37 county from entering into an agreement with the chief or other
38 head of a municipal police department of a city to process all
39 applications for licenses, renewals of licenses, or amendments to
40 licenses pursuant to this chapter, in lieu of the sheriff.

Page 31 1 (2) This subdivision shall only apply to applicants who reside
2 within the city in which the chief or other head of the municipal
3 police department has agreed to process applications for licenses,
4 renewals of licenses, and amendments to licenses, pursuant to this
5 chapter.

7 ~~SEC. 12.~~

+ *SEC. 11.* Section 26155 of the Penal Code is amended to read:

8 26155. (a) When a person applies for a new license or license
9 renewal to carry a pistol, revolver, or other firearm capable of
10 being concealed upon the person, the chief or other head of a
11 municipal police department of any city or county shall

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Page 31 12 issue or renew a license to that person upon proof of all of the
13 following:
14 (1) The applicant is a qualified person to receive such a license,
15 as determined in accordance with the standards set forth in Section
16 26202.
17 (2) The applicant is at least 21 years of ~~age~~, *age, and presents*
18 *clear evidence of the person's identity and age, as defined in*
19 *Section 16400.*
20 (3) The applicant is a resident of that city or city and county.
+ *Prima facie evidence of residency within the county or a city within*
+ *the county includes, but is not limited to, the address where the*
+ *applicant is registered to vote, the applicant's filing of a*
+ *homeowner's property tax exemption, and other acts, occurrences,*
+ *or events that indicate presence in the county or a city within the*
+ *county is more than temporary or transient. The presumption of*
+ *residency in the county or city within the county may be rebutted*
+ *by satisfactory evidence that the applicant's primary residence is*
+ *in another county or city within the county.*
21 (4) The applicant has completed a course of training as described
22 in Section 26165.
23 (5) The applicant is the recorded owner, with the Department
24 of Justice, of the pistol, revolver, or other firearm for which the
25 license will be issued.
26 (b) The chief or other head of a municipal police department
27 shall issue or renew a license under subdivision (a) in either of the
28 following formats:
29 (1) A license to carry concealed a pistol, revolver, or other
30 firearm capable of being concealed upon the person.
31 (2) Where the population of the county in which the city is
32 located is less than 200,000 persons according to the most recent
33 federal decennial census, a license to carry loaded and exposed in
34 only that county a pistol, revolver, or other firearm capable of
35 being concealed upon the person.
36 (c) Nothing in this chapter shall preclude the chief or other head
37 of a municipal police department of any city from entering an
38 agreement with the sheriff of the county in which the city is located
39 for the sheriff to process all applications for licenses, renewals of
40 licenses, and amendments to licenses, pursuant to this chapter.
Page 32 2 ~~SEC. 13.~~
+ SEC. 12. Section 26162 is added to the Penal Code, to read:

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Page 32 3 26162. (a) Prior to the issuance of a license, renewal of a
4 license, or amendment to a license, each licensing authority with
5 direct access to the designated Department of Justice system shall
6 determine if the applicant is the recorded owner of the particular
7 pistol, revolver, or other firearm capable of being concealed upon
8 the person reported in the application for a license or the
9 application for the amendment to a license under this ~~article~~.
10 *chapter*.
11 (b) An agency with direct access to the designated Department
12 of Justice system shall confirm the applicant's information with
13 firearm ownership maintained in the system. An agency without
14 access to the system shall confirm this information with the sheriff
15 of the county in which the agency is located.
17 ~~SEC. 14.~~
+ *SEC. 13.* Section 26165 of the Penal Code is amended to read:
18 26165. (a) For new license applicants, the course of training
19 for issuance of a license under Section 26150 or 26155 may be
20 any course acceptable to the licensing authority that meets all of
21 the following *minimum* criteria:
22 (1) The course shall be no less than 16 hours in length.
24 (2) The course shall include instruction on firearm safety,
25 firearm handling, shooting technique, safe storage, legal methods
26 to transport firearms and securing firearms in vehicles, laws
27 governing where permit holders may carry firearms, ~~and laws~~
28 regarding the permissible use of a ~~firearm~~. *firearm, and laws*
+ *regarding the permissible use of lethal force in self-defense.*
29 (3) The course shall include a component, no less than one hour
30 in length, on mental health and mental health resources.
31 (4) Except for the component on mental health and mental health
32 resources, the course shall be taught and supervised by firearms
33 instructors certified by the Department of Justice pursuant to
34 subdivision (a) of Section 31635.
35 (5) The course shall require students to pass a written
36 examination to demonstrate their understanding of the covered
37 topics.
39 (6) The course shall include live-fire shooting exercises on a
40 firing range and shall include a demonstration by the applicant of
Page 33 1 safe handling of, and shooting proficiency with, each firearm that
2 the applicant is applying to be licensed to carry.

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Amendment 71

Page 33 3 (b) A licensing authority shall establish, and make available to
4 the public, the standards it uses when issuing licenses with regards
5 to the required live-fire shooting exercises, including, but not
6 limited to, a minimum number of rounds to be fired and minimum
7 passing scores from specified firing distances.
8 (c) Notwithstanding subdivision (a), the licensing authority may
9 require a community college course certified by the Commission
10 on Peace Officer Standards and Training, up to a maximum of 24
11 hours, but only if required uniformly of all license applicants
12 without exception.
13 (d) For license renewal applicants, the course of training may
14 be any course acceptable to the licensing authority, shall be no
15 less than eight hours, and shall satisfy the requirements of
16 paragraphs (2) to (6), inclusive, of subdivision (a). No course of
17 training shall be required for any person certified by the licensing
18 authority as a trainer for purposes of this section, in order for that
19 person to renew a license issued pursuant to this ~~article~~. *chapter*.
20 (e) The applicant shall not be required to pay for any training
21 courses prior to the determination of whether the applicant is a
22 qualified person being made pursuant to Section 26202.
25 ~~SEC. 15.~~
+ SEC. 14. Section 26170 of the Penal Code is amended to read:
26 26170. (a) Upon proof of all of the following, the sheriff of a
27 county, or the chief or other head of a municipal police department
28 of any city or city and county, shall issue to an applicant a new
29 license or license renewal to carry concealed a pistol, revolver, or
30 other firearm capable of being concealed upon the person:
31 (1) The applicant is a qualified person to receive such a license,
32 as determined in accordance with the standards set forth in Section
33 26202.
34 (2) The applicant is at least 21 years of ~~age~~. *age, and presents*
35 *clear evidence of the person's identity and age, as defined in*
+ *Section 16400.*
36 (3) The applicant has been deputized or appointed as a peace
37 officer pursuant to subdivision (a) or (b) of Section 830.6 by that
38 sheriff or that chief of police or other head of a municipal police
39 department.
Page 34 1 (4) The applicant is the recorded owner, with the Department
2 of Justice, of the pistol, revolver, or other firearm for which the
3 license will be issued.

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Page 34 4 (b) Direct or indirect fees for the issuance of a license pursuant
5 to this section may be waived.
6 (c) The fact that an applicant for a license to carry a pistol,
7 revolver, or other firearm capable of being concealed upon the
8 person has been deputized or appointed as a peace officer pursuant
9 to subdivision (a) or (b) of Section 830.6 shall be considered only
10 for the purpose of issuing a license pursuant to this section, and
11 shall not be considered for the purpose of issuing a license pursuant
12 to Section 26150 or 26155.
14 ~~SEC. 16.~~
+ SEC. 15. Section 26175 of the Penal Code is amended to read:
15 26175. (a) (1) (A) Applications for licenses and applications
16 for amendments to licenses under this ~~article~~ *chapter* shall be
17 uniform throughout the state, upon forms to be prescribed by the
18 Attorney General.
+ (B) *Upon the effective date of the act that added this*
+ *subparagraph, the Attorney General shall issue forms to be used*
+ *for licenses and applications for amendments to licenses under*
+ *this chapter, in conformance with the act that added this*
+ *subparagraph, to be used until October 31, 2022.*
19 (2) The Attorney General shall convene a committee composed
20 of one representative of the California State Sheriffs' Association,
21 one representative of the California Police Chiefs Association, and
22 one representative of the Department of Justice to review, and, as
23 deemed appropriate, revise the standard application form for
24 ~~licenses~~. *licenses issued by the Attorney General pursuant to*
25 *paragraph (1).* If the committee does not release a revised
26 application form by ~~September 1, 2022~~, *October 31, 2022*, the Attorney
27 General has the sole authority to revise the standard application
28 form for licenses. After the initial revised application is issued, if
29 one of the committee's members concludes that further revisions
30 are necessary, that member shall notify the other members of the
31 committee, and the committee shall revise the application within
32 three months of the notification. If the committee fails to release
33 a revised application within that time, the Attorney General has
34 the sole authority to revise the standard application form for
35 licenses.
36 (3) (A) The Attorney General shall develop a uniform license
37 that may be used as indicia of proof of licensure throughout the
38 state.

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Page 34 39 (B) The Attorney General shall approve the use of licenses
40 issued by local agencies that contain all the information required
Page 35 1 in subdivision (i), including a recent photograph of the applicant,
2 and are deemed to be in substantial compliance with standards
3 developed by the committee described in subparagraph (C), if
4 developed, as they relate to the physical dimensions and general
5 appearance of the licenses. The Attorney General shall retain
6 exemplars of approved licenses and shall maintain a list of agencies
7 issuing local licenses. Approved licenses may be used as indicia
8 of proof of licensure under this chapter in lieu of the uniform
9 license developed by the Attorney General.

10 (C) A committee composed of two representatives of the
11 California State Sheriffs' Association, two representatives of the
12 California Police Chiefs Association, and one representative of
13 the Department of Justice shall convene to review and revise, as
14 the committee deems appropriate, the design standard for licenses
15 issued by local agencies that may be used as indicia of proof of
16 licensure throughout the state, provided that the design standard
17 meets the requirements of subparagraph (B). If the committee does
18 not issue a design standard by ~~September 1, 2022~~, *October 31, 2022*, the
19 Attorney General has the sole authority to set the design standard
20 for licenses issued by local agencies that may be used as indicia
21 of proof of licensure throughout the state, provided that the design
22 standard meets the requirements of subparagraph (B). After the
23 initial design standard is issued, if one of the committee's members
24 concludes that further revisions are necessary, that member shall
25 notify the other members of the committee, and the committee
26 shall revise the design standard within three months of the
27 notification. If the committee fails to release a design standard
28 within that time, the Attorney General has the sole authority to
29 revise the *design* standard-application form for licenses.

30 (b) The application shall include a section summarizing the
31 requirements of state law that result in the automatic denial of a
32 license.

33 (c) (1) The standard application form for licenses described in
34 subdivision (a) shall require information from the applicant,
35 including, but not limited to, the name, occupation, residence, and
36 business address of the applicant, the applicant's age, height,
37 weight, color of eyes and hair, the applicant's prior-arrests
38 *detentions, arrests*, and criminal convictions, whether the applicant
39
40

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Page 36 1 has been the subject of an order listed in paragraph (3) of
2 subdivision (a) of Section ~~26202~~, 26202 or a valid restraining,
+ *protective, or stay-away order issued by an out-of-state jurisdiction*
+ *pursuant to laws concerning domestic violence, family law,*
+ *protection of children or elderly persons, stalking, harassment,*
+ *witness intimidation, or firearm possession, whether the applicant*
+ *has previously been taken into custody as a danger to self or others*
+ *under Section 5150 or Part 1.5 (commencing with Section 5585)*
+ *of Division 5 of the Welfare and Institutions Code, assessed under*
+ *Section 5151 of the Welfare and Institutions Code, admitted to a*
+ *mental health facility under Section 5151 or 5152 of the Welfare*
+ *and Institutions Code, or certified under Section 5250, 5260, or*
3 *5270.15 of the Welfare and Institutions Code, whether any*
4 licensing authority in this state or elsewhere has previously denied
5 the applicant a license to carry a firearm or revoked such a license
6 for any reason, *the names and contact information of three persons*
7 *willing to serve as references for the applicant, at least one of*
8 *whom must be a person described in subdivision (b) of Section*
+ *273.5, if applicable, and at least one of whom must be the*
9 *applicant's cohabitant, if applicable, and other information*
10 *sufficient to make a determination of whether the applicant is a*
11 *qualified person pursuant to Section 26202.*
12 ~~(d) Applications for licenses shall be filed in writing and signed~~
13 ~~by the applicant.~~
+ *(2) In lieu of residence or business addresses, an applicant who*
+ *participates in the program described in Chapter 3.1 (commencing*
+ *with Section 6205) of Division 7 of Title 1 of the Government Code*
+ *may provide the address designated to the applicant by the*
+ *Secretary of State.*
+ *(3) In lieu of a residence, an applicant who falls within the*
+ *categories described in subdivision (c) of Section 26220 may*
+ *provide a business address or an alternative mailing address, such*
+ *as a post office box.*
+ *(d) Completed applications for licenses shall be filed in writing*
+ *and signed by the applicant, and contain all information required*
+ *by the application, as determined by the licensing authority.*
14 (e) Applications for amendments to licenses shall be filed in
15 writing and signed by the applicant, and shall state what type of
16 amendment is sought pursuant to Section 26215 and the reason
17 for desiring the amendment.

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Page 36 18 (f) The forms shall contain a provision whereby the applicant
19 attests to the truth of statements contained in the application.
20 (g) An applicant shall not be required to complete any additional
21 application or form for a license, or to provide any information
22 other than that necessary to complete the standard application form
23 described in subdivision (a), except to clarify or interpret
24 information provided by the applicant on the standard application
25 form.
26 (h) The standard application form described in subdivision (a)
27 is deemed to be a local form expressly exempt from the
28 requirements of the Administrative Procedure Act (Chapter 3.5
29 (commencing with Section 11340) of Part 1 of Division 3 of Title
30 2 of the Government Code).
31 (i) ~~Any~~(1) *As of October 31, 2022, a license issued upon the*
32 *application shall set forth the licensee's full name, driver's license*
+ *or identification number, Criminal Identification and Information*
33 *number, occupation, residence and business address, the licensee's*
34 *date of birth, height, weight, color of eyes and hair, and indicate*
35 *the type of license issued as it relates to Section 26220, including*
36 *the license issuance and expiration date, and shall, in addition,*
37 *contain the licensee's fingerprints, a picture of the licensee, and a*
38 *description of the weapon or weapons authorized to be carried,*
39 *detailed the name of the manufacturer, the model, the serial*
Page 37 1 *number, and the caliber. The license issued to the licensee may be*
2 *laminated. Prior to October 31, 2022, any license issued upon the*
+ *application shall take the form of the uniform license developed*
+ *by the Attorney General and used as indicia of proof of licensure*
+ *throughout the state immediately prior to the effective date of the*
+ *act that added this paragraph.*
+ (2) *In lieu of residence or business addresses, a licensee who*
+ *participates in the program described in Chapter 3.1 (commencing*
+ *with Section 6205) of Division 7 of Title 1 of the Government Code*
+ *may provide the address designated to the applicant by the*
+ *Secretary of State. Upon termination from the program described*
+ *in Chapter 3.1 (commencing with Section 6205) of Division 7 of*
+ *Title 1 of the Government Code, the licensee shall comply with*
+ *Section 26210.*
+ (3) *In lieu of a residence address, a licensee who falls within*
+ *the categories described in subdivision (c) of Section 26220 may*
+ *provide a business address or an alternative mailing address, such*

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+ as a post office box. Upon termination from the category described
+ in subdivision (c) of Section 26220, the licensee shall comply with
+ Section 26210.

4 ~~SEC. 17.~~

+ SEC. 16. Section 26185 of the Penal Code is amended to read:

5 26185. (a) (1) The fingerprints of each applicant for a new
6 license shall be ~~taken and~~ taken. Upon issuance of the notice
+ described in paragraph (1) of subdivision (d) of Section 26202,
+ two copies of the new license applicant's fingerprints on forms
7 prescribed by the Department of Justice shall be forwarded to the
+ department. For each applicant for a renewal license, upon
+ issuance of the notice described in paragraph (1) of subdivision
+ (d) of Section 26202, the licensing authority shall notify the
+ department in a manner prescribed by the department.

8 (2) Upon receipt of the fingerprints ~~and~~ of an applicant for a
+ new license or the notice for a renewal license as prescribed in
9 paragraph (1), as well as the fee as prescribed in Section 26190,
10 the department shall promptly furnish the forwarding licensing
11 authority ~~a report of all data and information pertaining to any~~
12 ~~applicant of which there is a record in its office, including~~
13 information as to whether the person is prohibited by state or
14 federal law from possessing, receiving, owning, or purchasing a
+ firearm. The department shall make this determination in a manner
+ to be prescribed through regulations. If the department is unable
15 to ascertain the final disposition of an arrest or criminal charge,
16 the outcome of the mental health treatment or evaluation, or the
17 ~~purchaser's~~ applicant's eligibility to possess, receive, own, or
18 purchase a firearm, the department shall notify the forwarding
+ licensing authority. For each applicant for a new license, the
+ department shall also promptly furnish the forwarding licensing
+ authority a criminal history report pertaining to the applicant.

19 (3) No new license or license renewal shall be issued by any
20 licensing authority unless the report described in paragraph (2)
21 confirms the applicant's eligibility to possess, receive, own, or
22 purchase a firearm.

24 (b) Notwithstanding subdivision (a), if the license applicant has
25 previously applied to the same licensing authority for a license to
26 carry firearms pursuant to this ~~article~~, chapter, the licensing
27 authority shall collect the applicant's fingerprint that would provide
28 positive identification in the files of the Department of Justice on

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Page 37 29 the copy of any subsequent license submitted to the department in
30 conformance with Section 26225.
31 (c) If the license applicant has a license issued pursuant to this
32 ~~article chapter~~ and the applicant's fingerprints have been previously
33 forwarded to the Department of Justice, as provided in this section,
34 the licensing authority shall collect the applicant's fingerprint that
35 would provide positive identification in the files of the Department
36 of Justice on the copy of any subsequent license submitted to the
37 department in conformance with Section 26225.
+ (d) *For any renewal license applicant referred to the department*
+ *prior to the effective date of the act that added this subdivision,*
+ *the department may use any method authorized through regulations*
+ *implementing paragraph (2) of subdivision (a) to determine if the*
+ *applicant is prohibited by state or federal law from possessing,*
+ *receiving, owning, or purchasing a firearm.*
38 ~~SEC. 18.~~
+ SEC. 17. Section 26190 of the Penal Code is amended to read:
39 26190. (a) (1) An applicant for a new license or for the
40 renewal of a license shall pay at the time of filing the application
Page 38 1 a fee determined by the Department of Justice. The fee shall not
2 exceed the application processing costs of the Department of
3 Justice for the direct costs of furnishing the report required by
4 Section 26185.
5 (2) After the department establishes fees sufficient to reimburse
6 the department for processing costs, fees charged shall increase at
7 a rate not to exceed the legislatively approved annual cost-of-living
8 adjustments for the department's budget.
9 (3) The officer receiving the application and the fee shall
10 transmit the ~~fee, with the fingerprints if required,~~ fee to the
11 Department of Justice. *For applicants for a new license,*
+ *fingerprints shall be transmitted to the department in accordance*
+ *with subdivision (a) of Section 26185. For applicants for a renewal*
+ *license, notice to the department shall be transmitted to the*
+ *department in accordance with subdivision (a) of Section 26185.*
12 (b) (1) The licensing authority of any city, city and county, or
13 county shall charge an additional fee in an amount equal to the
14 reasonable costs for processing the application for a new license
15 or a license renewal, issuing the license, and enforcing the license,
16 including any required notices, excluding fingerprint and training

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Page 38 17 costs, and shall transmit the additional fee, if any, to the city, city
18 and county, or county treasury.
19 (2) The first 50 percent of this additional local fee may be
20 collected upon filing of the initial or renewal application. The
21 balance of the fee shall be collected only upon issuance of the
22 license.
28 (c) These local fees may be increased ~~at a rate not to exceed~~
29 ~~any increase in the California Consumer Price Index as compiled~~
30 ~~and reported by the Department of Industrial Relations.~~ *to reflect*
+ *increases in the licensing authority's reasonable costs, as described*
+ *in paragraph (1) of subdivision (b).*
32 (d) (1) In the case of an amended license pursuant to Section
33 26215, the licensing authority of any city, city and county, or
34 county may charge a fee, not to exceed twenty dollars ~~(\$20).~~ *(\$20)*
35 *or the reasonable cost to process the amended license, whichever*
+ *is less.*
36 (2) This fee may be increased at a rate not to exceed any increase
37 in the California Consumer Price Index as compiled and reported
38 by the Department of Industrial Relations.
39 (3) The licensing authority shall transmit the fee to the city, city
40 and county, or county treasury.
Page 39 2 (e) (1) If ~~a psychological testing assessment~~ on the initial
3 application is required by the licensing authority, the license
4 applicant shall be referred to a licensed psychologist used by the
5 licensing authority for the psychological ~~testing assessment~~ of its
6 own employees. The applicant may be charged for the actual cost
7 of the ~~testing in an amount not to exceed two hundred dollars~~
8 ~~(\$200), which may be increased at a rate not to exceed any increase~~
9 ~~in the California Consumer Price Index as compiled and reported~~
10 ~~by the Department of Industrial Relations.~~ *assessment. In no case*
+ *shall the amount charged to the applicant for the psychological*
+ *assessment exceed the reasonable costs to the licensing authority.*
11 (2) Additional psychological testing of an applicant seeking
12 license renewal shall be required only if there is compelling
13 evidence to indicate that a test is necessary. The cost to the
14 applicant for this additional testing shall not exceed two hundred
15 dollars (\$200), which may be increased at a rate not to exceed any
16 increase in the California Consumer Price Index as compiled and
17 reported by the Department of Industrial Relations. *In no case*

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Page 39 18 *shall the cost of psychological testing exceed the reasonable costs*
+ *to the licensing authority.*
24 ~~SEC. 19.~~
+ SEC. 18. Section 26195 of the Penal Code is amended to read:
25 26195. (a) A license under this ~~article~~ *chapter* shall not be
26 issued if the Department of Justice determines that the person is
27 prohibited by state or federal law from possessing, receiving,
28 owning, or purchasing a firearm.
29 (b) (1) A license under this ~~article~~ *chapter* shall be revoked by
30 the local licensing authority if at any time either the local licensing
31 authority determines or is notified by the Department of Justice
32 of any of the following:
33 (A) A licensee is prohibited by state or federal law from owning
34 or purchasing a firearm.
37 (B) A licensee has breached any of the conditions or restrictions
38 set forth in or imposed in accordance with Section 26200.
Page 40 1 (C) Any information provided by a licensee in connection with
2 an application for a new license or a license renewal is inaccurate
3 or incomplete.
4 (D) A licensee is no longer a qualified person to receive such
5 a license, as determined in accordance with the standards set forth
6 in Section 26202.
7 (2) If at any time the Department of Justice determines that a
8 licensee is prohibited by state or federal law from possessing,
9 receiving, owning, or purchasing a firearm, the department shall
10 immediately notify the local licensing authority of the
11 determination.
12 (3) If the local licensing authority revokes the license, the
13 Department of Justice shall be notified of the revocation pursuant
14 to Section 26225. The licensee shall also be immediately notified
15 of the revocation in writing.
16 ~~SEC. 20.~~
17 SEC. 19. Section 26200 of the Penal Code is amended to read:
18 26200. (a) While carrying a firearm as authorized by a license
23 issued pursuant to this ~~article~~, *chapter*, a licensee shall not do any
+ of the following:
24 (1) Consume an alcoholic beverage or controlled substance as
25 described in Sections 11053 to 11058, inclusive, of the Health and
26 Safety Code.

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Page 40 27 (2) Be in a place having a primary purpose of dispensing
28 alcoholic beverages for onsite consumption.
29 (3) Be under the influence of any alcoholic beverage,
30 medication, or controlled substance as described in Sections 11053
31 to 11058, inclusive, of the Health and Safety Code.
32 (4) Carry a firearm not listed on the ~~license~~ *license or a firearm*
+ *for which they are not the recorded owner.*
33 (5) Falsely represent to a person that the licensee is a peace
34 officer.
35 (6) Engage in an unjustified display of a deadly weapon.
36 ~~(7) Violate any federal, state, or local criminal law.~~
+ *(7) Fail to carry the license on their person.*
37 (8) Impede a peace officer in the conduct of their activities.
38 (9) Refuse to display the license or to provide the firearm to a
39 peace officer upon demand for purposes of inspecting the firearm.
+ *(10) Violate any federal, state, or local criminal law.*
Page 41 1 (b) In addition to the restrictions and conditions listed in
2 subdivision (a), a license issued pursuant to this article may also
3 include any reasonable restrictions or conditions that the issuing
4 authority deems warranted, including restrictions as to the time,
5 place, manner, and circumstances under which a licensee may
6 carry a pistol, revolver, or other firearm capable of being concealed
7 upon the person.
8 (c) Any restrictions imposed pursuant to subdivision (b) shall
9 be indicated on any license issued.
10 (d) A licensee authorized to carry a firearm pursuant to this
11 chapter shall not carry more than two firearms under the licensee's
12 control at one time.
13 ~~SEC. 21.~~
14 + *SEC. 20.* Section 26202 of the Penal Code is amended to read:
15 26202. (a) Unless a court makes a contrary determination
16 pursuant to Section 26206, an applicant shall not be deemed to be
17 a qualified person to receive or renew a license pursuant to Section
18 26150, 26155, or 26170 if the applicant:
19 ~~(1) In the last 10 years, has made or committed a threat of~~
20 ~~violence or act of violence, or used physical force, against another~~
21 ~~person other than in proportionate self-defense.~~
22 ~~(2) In the last 10 years, has made or committed a threat of~~
23 ~~violence or act of violence toward themselves.~~

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+ (1) Is reasonably likely to be a danger to self, others, or the
+ community at large, as demonstrated by anything in the application
+ for a license or through the investigation described in subdivision
+ (b), or as shown by the results of any psychological assessment,
+ including, but not limited to, the testing described in subdivision
+ (e) of Section 26190.

+ (2) Has been convicted of contempt of court under Section 166.

Page 41 24 (3) Has been subject to any restraining order, protective order,
25 or other type of court order issued pursuant to the following
26 statutory provisions: provisions, unless that order expired or was
+ canceled more than five years ago:

27 (A) Section 646.91 or Part 3 (commencing with Section 6240)
28 of Division 10 of the Family Code.

29 (B) Part 4 (commencing with Section 6300) of Division 10 of
30 the Family Code.

31 ~~(C) Section 136.2.~~

+ (C) Sections 136.2 and 18100.

32 (D) Section 527.6, 527.8, or 527.85 of the Code of Civil
33 Procedure.

34 (E) Section 213.5, 304, 362.4, 726.5, or 15657.03 of the Welfare
35 and Institutions Code.

36 ~~(4) Has been convicted of an offense listed in Section 29805.~~

+ (4) In the last 10 years, has been convicted of an offense listed
+ in Section 422.6, 422.7, 422.75, or 29805.

37 (5) Has engaged in an unlawful or reckless use, display, or
38 brandishing of a firearm.

39 (6) In the last 10 years, has been charged with any offense listed
40 in Section 290, 667.5, 1192.7, 1192.8, or 29805 that was dismissed
Page 42 1 pursuant to a plea or dismissed with a waiver pursuant to People
2 v. Harvey (1979) 25 Cal.3d 754.

3 (7) In the last five years, has been committed to or incarcerated
4 in county jail for, or on probation as a result of, a conviction of an
+ offense that or state prison for, or on probation, parole, postrelease
+ community supervision, or mandatory supervision as a result of,
5 a conviction of an offense, an element of which involves controlled
+ substances substances, as described in Sections 11053 to 11058,
+ inclusive, of the Health and Safety Code, or alcohol.

6 (8) Is currently abusing controlled substances substances, as
+ described in Sections 11053 to 11058, inclusive, of the Health and
+ Safety Code, or alcohol.

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Page 42 7 (9) ~~Has~~ *Within the last 10 years, has* experienced the loss or
8 theft of ~~a firearm~~ *multiple firearms* due to the applicant's lack of
9 compliance with federal, state, or local law ~~or failure to exercise~~
10 ~~reasonable care in regarding~~ storing, transporting, or securing the
+ firearm.
11 (10) ~~Has been or is reasonably likely to be a danger to self,~~
12 ~~others, or the community at large, as shown by an indication from~~
13 ~~the results of any psychological testing, including, but not limited~~
14 ~~to, the testing described in subdivision (c) of Section 26190.~~
15 (11) ~~Has been convicted of contempt of court under Section~~
16 ~~166.~~
17 (b) ~~Unless a court makes a contrary determination pursuant to~~
18 ~~Section 26206, an applicant shall not be deemed to be a qualified~~
19 ~~person to receive or renew a license pursuant to Section 26150,~~
20 ~~26155, or 26170 if the licensing authority determines the applicant~~
21 ~~otherwise is, has been, or is reasonably likely to be a danger to~~
22 ~~self, others, or the community at large, or is not a law-abiding,~~
23 ~~responsible person as demonstrated by anything in the application~~
24 ~~for a license or through the investigation described in subdivision~~
25 ~~(e).~~
+ (10) *Failed to report a loss of a firearm as required by Section*
+ *25250 or any other state, federal, or local law requiring the*
+ *reporting of the loss of a firearm.*
26 (e)
27 (b) In determining whether an applicant is a qualified person to
+ receive or renew a license in accordance with *subdivision (a) of*
28 *this section, the licensing authority shall conduct an investigation*
29 *that meets all of the following minimum requirements:*
30 (1) An in-person interview with the applicant. *For renewal*
+ *applications, the licensing authority may elect to forgo this*
+ *requirement.*
31 (2) ~~Interviews~~ *In-person, virtual, or telephonic interviews* with
32 at least three character references, at least one of whom must be
33 a person described in subdivision (b) of Section 273.5, if
34 applicable, and at least one of whom must be the applicant's
+ cohabitant, if applicable. *For renewal applications, the licensing*
+ *authority may elect to forgo this requirement.*
35 (3) A review of publicly available information about the
36 applicant, including publicly available statements published or
37 posted by the applicant.

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+ (4) A review of all information provided in the application for
+ a license.

+ (5) A review of all information provided by the Department of
+ Justice in accordance with Section 26185, as well as firearms
+ eligibility notices or any other information subsequently provided
+ to the licensing authority regarding the applicant.

+ (6) A review of the information in the California Restraining
+ and Protective Order System accessible through the California
+ Law Enforcement Telecommunications System.

Page 42 38 (d)

39 (c) In determining whether an applicant is a qualified person to
+ receive or renew a license, license in accordance with subdivision
40 (a), nothing in this section precludes the licensing authority from

Page 43 1 relying on factors other than those listed in subdivision (a) or (b)
2 or from engaging in investigative efforts in addition to those listed
3 in subdivision (e). (b).

4 (e) Upon making the determination of whether an applicant is
5 a qualified person pursuant to Section 26150, 26155, or 26170,

+ (d) Within 90 days of receiving the completed initial application
+ for a new license or a license renewal, the licensing authority shall
6 give written notice to the applicant of the licensing authority's
7 determination. If initial determination, based on its investigation
+ thus far, of whether an applicant is a qualified person pursuant
+ to Section 26150, 26155, or 26170 as follows:

+ (1) If the licensing authority determines that makes an initial
8 determination that, based on its investigation thus far, the
9 applicant is a qualified person, the notice shall inform the applicant
10 to proceed with the training requirements specified in Section
+ 26165. If The licensing authority shall then submit the applicant's
+ fingerprints or the renewal notice to the Department of Justice in
+ accordance with subdivision (a) of Section 26185.

+ (2) If, within 90 days of receiving the completed initial
11 application for a new license or a license renewal, the licensing
12 authority determines that the applicant is not a qualified person,
13 the notice shall inform the applicant that the request for a license
14 has been denied, state the reason as to why the determination was
15 made, and inform the applicant that they may request a hearing
16 from a court, as outlined in Section 26206. A licensing authority
17 providing notice under this subdivision paragraph informing the
18 applicant that the request for a license has been denied satisfies

Page 43 19 the requirement to provide notice of a denial of a license pursuant
20 to Section 26205.

+ SEC. 21. Section 26205 of the Penal Code is amended to read:

+ 26205. ~~The~~(a) Unless otherwise specified in subdivision (b),
+ the licensing authority shall give written notice to the applicant
+ indicating if the license under this ~~article~~ chapter is approved or
+ denied. The licensing authority shall give this notice within 90
+ days of ~~the receiving the complete initial application for a new~~
+ ~~license or a license renewal, or renewal application, or 30 days~~
+ after receipt of the applicant's criminal background check from
+ the Department of Justice, whichever is later. If the license is
+ denied, the notice shall state which requirement was not satisfied.
+ report from the Department of Justice described in paragraph (2)
+ of subdivision (a) of Section 26185, whichever is later.

+ (b) In determining whether to approve or deny an initial or
+ renewal application, the licensing authority shall apply the
+ statutory requirements in effect as of the date the licensing
+ authority received the completed initial or renewal application,
+ except for the requirements in former subparagraph (2) of
+ subdivision (a) of Sections 26150, 26155, and 26170. For initial
+ or renewal applications submitted prior to the effective date of the
+ act that added this subdivision, the licensing authority shall give
+ written notice to the applicant indicating if the license under this
+ chapter is approved or denied within 120 days of receiving the
+ completed initial or renewal application, or 30 days after receipt
+ of the report from the Department of Justice described in
+ paragraph (2) of subdivision (a) of Section 26185, whichever is
+ later.

+ (c) If the license is denied, the notice shall state which
+ requirement was not satisfied.

21 SEC. 22. Section 26206 is added to the Penal Code, to read:

22 26206. (a) If a new license or license renewal pursuant to
23 Section 26150, 26155, or 26170 is denied or revoked based on a
24 determination that the applicant is not a qualified person for such
25 a license, as set forth in Section 26202, the licensing authority
26 shall provide the applicant with the notice of this determination
27 as required under subdivision ~~(e)~~ (d) of Section ~~26202~~ 26202,
28 Section 26205, or paragraph (3) of subdivision (b) of Section
+ ~~26195, stating~~ 26195. The notice shall state the reason as to why
29 the determination was made and also inform the applicant that

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Page 43 30 they may request a hearing from a court, as provided in this section,
31 to review the denial or revocation. The licensing authority shall
32 provide the applicant with a copy of the most recent “Request for
33 Hearing to Challenge Qualified Person Determination” form
34 prescribed by the Department of Justice under this section.
35 (b) The department shall develop a “Request for Hearing to
36 Challenge Qualified Person Determination” form for use
37 throughout the state. The form shall include an authorization for
38 the release of the applicant’s criminal history records to the
39 appropriate court solely for use in the hearing conducted pursuant
40 to this section. The “Request for Hearing to Challenge Qualified
Page 44 1 Person Determination” form is deemed to be a local form expressly
2 exempt from the requirements of the Administrative Procedure
3 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
4 Division 3 of Title 2 of the Government Code).
5 (c) ~~An Except as specified in paragraph (2), an applicant shall~~
6 ~~have 30 days after the receipt of the notice of denial required under~~
7 ~~subdivision (e) of Section 26202 or the notice of revocation~~
8 ~~required under paragraph (3) of subdivision (b) of Section 26195~~
+ *described in subdivision (a) to request a hearing to review the*
9 *denial or revocation from the superior court of their county of*
10 *residence. The request for hearing shall be made on the “Request*
11 *for Hearing to Challenge Qualified Person Determination” form*
12 *prescribed by the department.*
+ *(1) Nothing in this section prevents an applicant from using*
+ *and exhausting any process for appealing a denial or revocation*
+ *that may be offered by the licensing authority prior to 30 days*
+ *after the receipt of the notice of denial described in subdivision*
+ *(a).*
+ *(2) If an applicant elects to use and exhaust any process for*
+ *appealing a denial or revocation that may be offered by the*
+ *licensing authority, an applicant shall have 30 days after the*
+ *receipt of the notice of an unsuccessful appeal by the licensing*
+ *authority to request a hearing to review the denial or revocation*
+ *from the superior court of their county of residence. The request*
+ *for hearing shall be made on the “Request for Hearing to*
+ *Challenge Qualified Person Determination” form prescribed by*
+ *the department.*
13 (d) (1) An applicant who has requested a hearing under this
14 section shall be given a hearing. The clerk of the court shall set a

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Page 44 15 hearing date and notify the person, the licensing authority, the
 16 department, and the district attorney. The people of the State of
 17 California shall be the plaintiff in the proceeding and shall be
 18 represented by the district attorney. Within 14 days after the request
 19 for a hearing, the department shall file copies of the applicant's
 20 criminal history report described in this section with the superior
 21 court under seal, and the licensing authority shall file any records
 22 or reports on which it relied in denying or revoking the license at
 23 issue with the superior court. The licensing authority may also, or
 24 instead, file a declaration that summarizes the information it relied
 25 upon in denying or revoking the license at issue. The reports filed
 26 by the department and the licensing authority shall be disclosed
 27 to the person and to the district attorney upon request. The court,
 28 upon motion of the applicant establishing that confidential
 29 information is likely to be discussed during the hearing that would
 30 cause harm to the person, shall conduct the hearing in camera,
 31 with only the relevant parties present, unless the court finds that
 32 the public interest would be better served by conducting the hearing
 33 in public.

34 (2) The court shall set the hearing within 60 days of receipt of
 35 the request for a hearing. Upon showing good cause, the district
 36 attorney shall be entitled to a continuance not to exceed 30 days
 37 after the district attorney was notified of the hearing date by the
 38 clerk of the court. If additional continuances are granted, the total
 39 length of time for continuances shall not exceed 60 days.

Page 45 1 (3) Notwithstanding any other law, declarations, police reports,
 2 including criminal history information, and any other material and
 3 relevant evidence that is not excluded under Section 352 of the
 4 Evidence Code shall be admissible at the hearing under this section.

6 (e) The people shall bear the burden of showing by a
 7 preponderance of the evidence that the applicant is not a qualified
 8 person in accordance with Section 26202.

9 (f) If the court finds at the hearing that the people have not met
 10 their burden, or if the district attorney declines or fails to go
 11 forward in the hearing, the court shall order as follows:

12 (1) If the applicant was denied a new license or license renewal,
 13 the court shall order that the person shall be deemed a qualified
 14 person to receive a new license or license renewal pursuant to
 15 Section 26150, 26155, or 26170, that the licensing authority issue
 16 notice *and submit fingerprints or renewal notice* in accordance

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Page 45 + with *paragraph (1) of subdivision (e) (d)* of Section 26202 that
 17 the applicant is a qualified person and that the person should
 18 proceed with the training requirements specified in Section ~~26165~~.
 + *26165, as long as the Department of Justice confirms the*
 + *applicant's eligibility to possess, receive, own, or purchase a*
 19 *firearm under Section 26185.* A copy of the order shall be
 + submitted to the Department of Justice.

20 (2) If the applicant's license was revoked, the court shall order
 21 that the person's license be reinstated with the original expiration
 22 date extended by the length of time between the date of the
 23 revocation notice provided under paragraph (3) of subdivision (b)
 24 of Section 26195 and the date of the court's ~~order~~. *as long as the*
 + *Department of Justice confirms the applicant's eligibility to*
 + *possess, receive, own, or purchase a firearm under Section 26185.*
 25 A copy of the order shall be submitted to the Department of Justice.

26 (g) If the court finds that the people have met their burden to
 27 show by a preponderance of the evidence that the applicant is not
 28 a qualified person in accordance with Section 26202, the court
 29 shall inform the person of their right to file a subsequent application
 30 for a license no sooner than two years from the date of the hearing.

32 (h) If an applicant has been denied a license or had a license
 33 revoked based on any ground outlined in Section 26202 two or
 34 more times in a 10-year period, which determination was either
 35 not challenged or upheld at a hearing under this section, any
 36 subsequent hearings under this section for the applicant shall be
 37 conducted as described in this section, with the exception that the
 38 burden of proof shall be on the applicant to establish by a
 39 preponderance of the evidence that the applicant is a qualified
 40 person in accordance with Section 26202.

Page 46 1 (i) If a new license or license renewal pursuant to Section 26150,
 2 26155, or 26170 is denied or revoked ~~on any basis other than a~~
 3 ~~determination that the applicant is not a qualified person under the~~
 4 ~~standards set forth in Section 26202, based on the applicant's~~
 + *failure to satisfy paragraph (2), (3), (4), or (5) of subdivision (a)*
 + *of Section 26150, paragraph (2), (3), (4), or (5) of subdivision (a)*
 + *of Section 26155, or paragraph (2), (3), or (4) of subdivision (a)*
 5 *of Section 26170, the licensing authority shall provide the applicant*
 6 with the notice required under Section 26205 or paragraph (3) of
 7 subdivision (b) of Section 26195, as applicable, and inform the
 8 applicant that they may apply to the superior court of the county

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Page 46 9 in which they reside for a writ of mandate pursuant to Section 1085
10 of the Code of Civil Procedure. The application for writ of mandate
11 shall be made within 30 days after the receipt of the notice of denial
+ or the notice of revocation.

12 SEC. 23. Section 26210 of the Penal Code is amended to read:

13 26210. (a) When a licensee under this ~~article~~ *chapter* has a
14 change of address, the license shall be amended to reflect the new
15 address and a new license shall be issued pursuant to subdivision
16 (b) of Section 26215.

17 (b) The licensee shall notify the licensing authority in writing
18 within 10 days of any change in the licensee's place of ~~residence~~.
+ *residence, and within 10 days of receiving that notice, the licensing*
+ *authority shall notify the Department of Justice of the change in*
+ *a licensee's place of residence.*

19 (c) If both of the following conditions are satisfied, a license to
20 carry a concealed handgun may not be revoked solely because the
21 licensee's place of residence has changed to another county:

22 (1) The licensee has not breached any of the conditions or
23 restrictions set forth in *the license* or imposed in accordance with
24 Section 26200.

25 (2) The licensee has not become prohibited by state or federal
26 law from possessing, receiving, owning, or purchasing a firearm.

27 (d) Notwithstanding subdivision (c), if a licensee's place of
28 residence was the basis for issuance of a license, any license issued
29 pursuant to Section 26150 or 26155 shall expire 90 days after the
30 licensee moves from the county of issuance.

31 (e) If the license is one to carry loaded and exposed a pistol,
32 revolver, or other firearm capable of being concealed upon the
33 person, the license shall be revoked immediately upon a change
34 of the licensee's place of residence to another county.

36 SEC. 24. Section 26225 of the Penal Code is amended to read:

37 26225. (a) A record of the following shall be maintained in
38 the office of the licensing authority:

39 (1) The denial of a license.

40 (2) The denial of an amendment to a license.

Page 47 1 (3) The issuance of a license.

2 (4) The amendment of a license.

3 (5) The revocation of a license.

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Page 47 4 (b) Copies of each of the following shall be filed immediately
5 by the issuing officer or authority with the Department of Justice,
6 in a manner as prescribed by the Attorney General:
7 (1) The denial of a license.
8 (2) The denial of an amendment to a license.
9 (3) The issuance of a license.
10 (4) The amendment of a license.
11 (5) The revocation of a license.
12 (c) (1) Commencing on or before January 1, 2000, and annually
13 thereafter, each licensing authority shall submit to the Attorney
14 General the total number of licenses issued to peace officers
15 pursuant to Section 26170, and to judges pursuant to Section 26150
16 or 26155.
17 (2) The Attorney General shall collect and record the
18 information submitted pursuant to this subdivision by county and
19 licensing authority.
20 (d) The Department of Justice may adopt emergency regulations
21 for the purpose of implementing Sections 26150 to 26230,
22 inclusive, and any statutory provisions referenced therein. *Section*
23 *29805, and Section 31635.* The adoption of emergency regulations
24 shall be deemed to be an emergency and necessary for the
25 immediate preservation of the public peace, health and safety, or
26 general welfare for purposes of Sections 11346.1 and 11349.6 of
27 the Government Code. Emergency regulations adopted pursuant
28 to this section shall be exempt from review by the Office of
29 Administrative Law. ~~The regulations adopted pursuant to this~~
30 ~~section shall not be repealed by the Office of Administrative Law~~
31 ~~and shall remain in effect until revised or repealed by the~~
+ ~~Department of Justice.~~ *The emergency regulations authorized by*
+ *this section shall be submitted to the Office of Administrative Law*
+ *for filing with the Secretary of State and shall remain in effect no*
+ *later than September 1, 2024.*
32 SEC. 25. Section 26230 is added to the Penal Code, to read:
33 26230. (a) A person granted a license to carry a pistol, revolver,
34 or other firearm capable of being concealed upon the person
35 pursuant to Section 26150, 26155, or 26170 shall not carry a
36 firearm on or into any of the following:
37 (1) A place prohibited by Section 626.9.
38 (2) A building, real property, or parking area under the control
39 of a preschool or childcare facility, including a room or portion of

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Page 47 40 a building under the control of a preschool or childcare facility.
Page 48 1 Nothing in this paragraph shall prevent the operator of a childcare
2 facility in a family home from owning or possessing a firearm in
3 the home if no child under child care at the home is present in the
4 home or the firearm in the home is unloaded, stored in a locked
5 container, and stored separately from ammunition when a child
6 under child care at the home is present in the home so long as the
7 childcare provider notifies clients that there is a firearm in the
8 home.
9 (3) A building, parking area, or portion of a building under the
10 control of an officer of the executive or legislative branch of the
11 state ~~government~~. *government, except as allowed pursuant to*
+ *paragraph (2) of subdivision (b) of Section 171c.*
12 (4) A building designated for a court proceeding, including
13 matters before a superior court, district court of appeal, or the
14 California Supreme Court, parking area under the control of the
15 owner or operator of that building, or a building or portion of a
16 building under the control of the Supreme ~~Court~~. *Court, unless the*
+ *person is a justice, judge, or commissioner of that court.*
17 (5) A building, parking area, or portion of a building under the
18 control of a unit of local government, unless the firearm is being
19 carried for purposes of training pursuant to Section 26165.
20 (6) A building, real property, and parking area under the control
21 of an adult or juvenile detention or correctional institution, prison,
22 or jail.
23 (7) A building, real property, and parking area under the control
24 of a public or private hospital or hospital affiliate, mental health
25 facility, nursing home, medical office, urgent care facility, or other
26 place at which medical services are customarily provided.
27 (8) A bus, train, or other form of transportation paid for in whole
28 or in part with public funds, and a building, real property, or
29 parking area under the control of a transportation authority
30 supported in whole or in part with public funds.
31 (9) A building, real property, and parking area under the control
32 of a vendor or an establishment where intoxicating liquor is sold
33 for consumption on the premises.
34 (10) A public gathering or special event conducted on property
35 open to the public that requires the issuance of a permit from a
36 federal, state, or local government and sidewalk or street
37 immediately adjacent to the public gathering or special event but

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Page 48 38 is not more than 1,000 feet from the event or gathering, provided
39 this prohibition shall not apply to a licensee who must walk through
Page 49 1 a public gathering in order to access their residence, place of
2 business, or vehicle.
3 (11) A playground or public or private youth center, as defined
4 in Section 626.95, and a street or sidewalk immediately adjacent
5 to the playground or youth center.
6 (12) A park, athletic area, or athletic facility that is open to the
7 public and a street or sidewalk immediately adjacent to those areas,
8 provided this prohibition shall not apply to a licensee who must
9 walk through such a place in order to access their residence, place
10 of business, or vehicle.
11 (13) Real property under the control of the Department of Parks
12 and Recreation or Department of Fish and Wildlife, except those
13 areas designated for hunting pursuant to Section 5003.1 of the
14 Public Resources Code, Section 4501 of Title 14 of the California
15 Code of Regulations, or any other designated public hunting area,
16 public shooting ground, or building where firearm possession is
17 permitted by applicable law.
18 (14) Any area under the control of a public or private community
19 college, college, or university, including, but not limited to,
20 buildings, classrooms, laboratories, medical clinics, hospitals,
21 artistic venues, athletic fields or venues, entertainment venues,
22 officially recognized university-related organization properties,
23 whether owned or leased, and any real property, including parking
24 areas, sidewalks, and common areas.
25 (15) A building, real property, or parking area that is or would
26 be used for gambling or gaming of any kind whatsoever, including,
27 but not limited to, casinos, gambling establishments, gaming clubs,
28 bingo operations, facilities licensed by the California Horse Racing
29 Board, or a facility wherein banked or percentage games, any form
30 of gambling device, or lotteries, other than the California State
31 Lottery, are or will be played.
32 (16) A stadium, arena, or the real property or parking area under
33 the control of a stadium, arena, or a collegiate or professional
34 sporting or eSporting event.
35 (17) A building, real property, or parking area under the control
36 of a public library.

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Page 49 37 (18) A building, real property, or parking area under the control
38 of an airport or passenger vessel terminal, as those terms are
39 defined in subdivision (a) of Section 171.5.

Page 50 1 (19) A building, real property, or parking area under the control
2 of an amusement park.
3 (20) A building, real property, or parking area under the control
4 of a zoo or museum.
5 (21) A street, driveway, parking area, property, building, or
6 facility, owned, leased, controlled, or used by a nuclear energy,
7 storage, weapons, or development site or facility regulated by the
8 federal Nuclear Regulatory Commission.
9 (22) A church, synagogue, mosque, or other place of worship,
10 including in any parking area immediately adjacent thereto, unless
11 the operator of the place of worship clearly and conspicuously
12 posts a sign at the entrance of the building or on the premises
13 indicating that license holders are permitted to carry firearms on
14 the property. Signs shall be of a uniform design as prescribed by
15 the Department of Justice and shall be at least four inches by six
16 inches in size.
17 (23) A financial institution or parking area under the control of
18 a financial institution.
19 (24) A police, sheriff, or highway patrol station or parking area
20 under control of a law enforcement agency.
21 (25) A polling place, voting center, precinct, or other area or
22 location where votes are being cast or cast ballots are being
23 returned or counted, or the streets or sidewalks immediately
24 adjacent to any of these places.
25 (26) Any other privately-owned commercial establishment that
26 is open to the public, unless the operator of the establishment
27 clearly and conspicuously posts a sign at the entrance of the
28 building or on the premises indicating that license holders are
29 permitted to carry firearms on the property. Signs shall be of a
30 uniform design as prescribed by the Department of Justice and
31 shall be at least four inches by six inches in size.
32 (27) Any other place or area prohibited by other provisions of
33 state law.
34 ~~(28) An area where firearms are prohibited under federal law.~~
+ (28) *Any other place or area prohibited by federal law.*
+ (29) *Any other place or area prohibited by local law.*

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Page 50 35 (b) Notwithstanding subdivision (a), *except under paragraph*
36 *(21) or (28) of subdivision (a)*, a licensee may transport a firearm
37 and ammunition within their vehicle so long as the firearm is
38 locked in a lock box, as defined in subdivision (y) of Section 4082
+ *and subdivision (b) of Section 4094 of Title 11 of the California*
39 *Code of Regulations, and the lock box is a firearm safety device,*
Page 51 1 *as defined in Section 16540, that is listed on the department's*
2 *Roster of Firearm Safety Devices Certified for Sale pursuant to*
+ *Sections 23650 and 23655. Nothing in this subdivision is intended*
+ *to preempt local laws placing more restrictive requirements upon*
+ *the storage of firearms in vehicles.*
3 (c) Notwithstanding subdivision (a), *except under paragraph*
4 *(21) or (28) of subdivision (a)*, a licensee prohibited from carrying
5 a concealed firearm into the parking area of a prohibited location
6 specified in subdivision (a) shall be allowed to:
7 (1) Transport a concealed firearm or ammunition within a
8 vehicle into or out of the parking area so long as the firearm is
9 locked in a lock box.
10 (2) Store ammunition or a firearm within a locked lock box and
11 out of plain view within the vehicle in the parking area. *Nothing*
+ *in this paragraph is intended to preempt local laws placing more*
+ *restrictive requirements upon the storage of firearms in vehicles.*
12 (3) Transport a concealed firearm in the immediate area
13 surrounding their vehicle within a prohibited parking lot area only
14 for the limited purpose of storing or retrieving a firearm within a
15 locked lock box in the vehicle's trunk or other place inside the
16 vehicle that is out of plain view.
+ (d) *For purposes of subdivision (c), a lock box is an item as*
+ *defined in subdivision (b) of Section 4082 and subdivision (y) of*
+ *Section 4094 of Title 11 of the California Code of Regulations,*
+ *which is a firearm safety device, as defined in Section 16540, that*
+ *is listed on the Department's Roster of Firearm Safety Devices*
+ *Certified for Sale pursuant to Sections 23650 and 23655.*
17 (d)
+ (e) Except in the places specified in paragraph (14) of
18 subdivision (a), a licensee shall not be in violation of this section
19 while they are traveling along a public right-of-way that touches
20 or crosses any of the premises identified in subdivision (a) if the
21 concealed firearm is carried on their person in accordance with
22 the provisions of this act or is being transported in a vehicle by

Page 51 23 the licensee in accordance with all other applicable provisions of
24 law. Nothing in this section allows a person to loiter or remain in
25 a place longer than necessary to complete their travel.
26 (e)
27 (f) Nothing in this section shall prohibit the carrying of a firearm
+ where it is otherwise expressly authorized by law.
28 SEC. 26. Section 26350 of the Penal Code is amended to read:
29 26350. (a) (1) A person is guilty of openly carrying an
30 unloaded handgun when that person carries upon their person an
31 exposed and unloaded handgun outside a vehicle while in or on
32 either of the following:
33 (A) A public place or public street in an incorporated city or
34 city and county.
35 (B) A public place or public street in a prohibited area of an
36 unincorporated area of a county or city and county.
39 (2) A person is guilty of openly carrying an unloaded handgun
40 when that person carries an exposed and unloaded handgun inside
Page 52 1 or on a vehicle, whether or not on their person, while in or on either
2 of the following:
3 (A) A public place or public street in an incorporated city or
4 city and county.
5 (B) A public place or public street in a prohibited area of an
6 unincorporated area of a county or city and county.
9 (b) (1) Except as specified in paragraph (2), a violation of this
10 section is a misdemeanor.
11 (2) A violation of subparagraph (A) of paragraph (1) of
12 subdivision (a) is punishable by imprisonment in a county jail not
13 exceeding one year, or by a fine not to exceed one thousand dollars
14 (\$1,000), or by both that fine and imprisonment, if both of the
15 following conditions exist:
16 (A) The handgun and unexpended ammunition capable of being
17 discharged from that handgun are in the immediate possession of
18 that person.
19 (B) The person is not in lawful possession of that handgun.
20 (c) (1) Nothing in this section shall preclude prosecution under
21 Chapter 2 (commencing with Section 29800) or Chapter 3
22 (commencing with Section 29900) of Division 9, Section 8100 or
23 8103 of the Welfare and Institutions Code, or any other law with
24 a penalty greater than is set forth in this section.

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Page 52 25 (2) The provisions of this section are cumulative and shall not
26 be construed as restricting the application of any other law.
27 However, an act or omission punishable in different ways by
28 different provisions of law shall not be punished under more than
29 one provision.

30 (d) Notwithstanding the fact that the term “an unloaded
31 handgun” is used in this section, each handgun shall constitute a
32 distinct and separate offense under this section.

33 SEC. 27. Section 26400 of the Penal Code is amended to read:
34 26400. (a) A person is guilty of carrying an unloaded firearm
35 that is not a handgun when that person carries upon their person
36 an unloaded firearm that is not a handgun outside a vehicle while
37 in either of the following areas:

38 (1) A public place or public street in an incorporated city or city
39 and county.

Page 53 1 (2) A public place or a public street in a prohibited area of an
2 unincorporated area of a county.

3 (b) (1) Except as specified in paragraph (2), a violation of this
4 section is a misdemeanor.

5 (2) A violation of subdivision (a) is punishable by imprisonment
6 in a county jail not exceeding one year, or by a fine not to exceed
7 one thousand dollars (\$1,000), or by both that fine and
8 imprisonment, if the firearm and unexpended ammunition capable
9 of being discharged from that firearm are in the immediate
10 possession of the person and the person is not in lawful possession
11 of that firearm.

12 (c) (1) Nothing in this section shall preclude prosecution under
13 Chapter 2 (commencing with Section 29800) or Chapter 3
14 (commencing with Section 29900) of Division 9, Section 8100 or
15 8103 of the Welfare and Institutions Code, or any other law with
16 a penalty greater than is set forth in this section.

17 (2) The provisions of this section are cumulative and shall not
18 be construed as restricting the application of any other law.
19 However, an act or omission punishable in different ways by
20 different provisions of law shall not be punished under more than
21 one provision.

22 (d) Notwithstanding the fact that the term “an unloaded firearm
23 that is not a handgun” is used in this section, each individual
24 firearm shall constitute a distinct and separate offense under this
25 section.

PROPOSED AMENDMENTS

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SUBSTANTIVE

Amendment 181

Page 53 26 SEC. 28.—Section 29805 of the Penal Code is amended to read:
27 29805.—(a) (1) Except as provided in Section 29855,
28 subdivision (a) of Section 29800, or subdivision (b), any person
29 who has been convicted of a misdemeanor violation of Section
30 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148,
31 subdivision (f) of Section 148.5, Section 171b, paragraph (1) of
32 subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241,
33 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417,
34 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25300,
35 paragraph (5), (6), or (7) of subdivision (c) of Section 25400,
36 Section 25800, paragraph (5), (6), or (7) of subdivision (c) of
37 Section 25850, subdivision (a) of Section 26350, subdivision (a)
38 of Section 26400, 30315, or 32625, subdivision (b) or (d) of Section
39 26100, or Section 27510, or Section 8100, 8101, or 8103 of the
40 Welfare and Institutions Code, any firearm-related offense pursuant
Page 54 1 to Sections 871.5 and 1001.5 of the Welfare and Institutions Code,
2 Section 487 if the property taken was a firearm, or of the conduct
3 punished in subdivision (c) of Section 27590, and who, within 10
4 years of the conviction, owns, purchases, receives, or has in
5 possession or under custody or control, any firearm is guilty of a
6 public offense, punishable by imprisonment in a county jail not
7 exceeding one year or in the state prison, by a fine not exceeding
8 one thousand dollars (\$1,000), or by both that imprisonment and
9 fine.
10 (2) Any person who has an outstanding warrant for any
11 misdemeanor offense described in this subdivision, and who has
12 knowledge of the outstanding warrant, and who owns, purchases,
13 receives, or has in possession or under custody or control any
14 firearm is guilty of a public offense, punishable by imprisonment
15 in a county jail not exceeding one year or in the state prison, by a
16 fine not exceeding one thousand dollars (\$1,000), or by both that
17 imprisonment and fine.
18 (b) Any person who is convicted, on or after January 1, 2019,
19 of a misdemeanor violation of Section 273.5, and who subsequently
20 owns, purchases, receives, or has in possession or under custody
21 or control, any firearm is guilty of a public offense, punishable by
22 imprisonment in a county jail not exceeding one year or in the
23 state prison, by a fine not exceeding one thousand dollars (\$1,000),
24 or by both that imprisonment and fine.

Page 54 25 ~~(e) Except as provided in Section 29855, any person who is~~
26 ~~convicted on or after January 1, 2020, of a misdemeanor violation~~
27 ~~of Section 25100, 25135, or 25200, and who, within 10 years of~~
28 ~~the conviction owns, purchases, receives, or has in possession or~~
29 ~~under custody or control, any firearm is guilty of a public offense,~~
30 ~~punishable by imprisonment in a county jail not exceeding one~~
31 ~~year or in the state prison, by a fine not exceeding one thousand~~
32 ~~dollars (\$1,000), or by both that fine and imprisonment.~~
33 ~~(d) The court, on forms prescribed by the Department of Justice,~~
34 ~~shall notify the department of persons subject to this section.~~
35 ~~However, the prohibition in this section may be reduced,~~
36 ~~eliminated, or conditioned as provided in Section 29855 or 29860.~~
+ *SEC. 28. Section 29805 of the Penal Code is amended to read:*
+ 29805. (a) (1) Except as provided in Section 29855,
+ subdivision (a) of Section 29800, or subdivision (b), any person
+ who has been convicted of a misdemeanor violation of Section
+ 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148,
+ subdivision (f) of Section 148.5, Section 171b, paragraph (1) of
+ subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241,
+ 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417,
+ 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25300,
+ ~~25800~~, paragraph (5), (6), or (7) of subdivision (c) of Section
+ ~~25400~~, Section 25800, paragraph (5), (6), or (7) of subdivision (c)
+ of Section 25850, subdivision (a) of Section 26350, subdivision
+ (a) of Section 26400, 30315, or 32625, subdivision (b) or (d) of
+ Section 26100, or Section 27510, or Section 8100, 8101, or 8103
+ of the Welfare and Institutions Code, any firearm-related offense
+ pursuant to Sections 871.5 and 1001.5 of the Welfare and
+ Institutions Code, Section 487 if the property taken was a firearm,
+ or of the conduct punished in subdivision (c) of Section 27590,
+ and who, within 10 years of the conviction, owns, purchases,
+ receives, or has in possession or under custody or control, any
+ firearm is guilty of a public offense, punishable by imprisonment
+ in a county jail not exceeding one year or in the state prison, by a
+ fine not exceeding one thousand dollars (\$1,000), or by both that
+ imprisonment and fine.
+ (2) Any person who has an outstanding warrant for any
+ misdemeanor offense described in this subdivision, and who has
+ knowledge of the outstanding warrant, and who owns, purchases,
+ receives, or has in possession or under custody or control any

+ firearm is guilty of a public offense, punishable by imprisonment
+ in a county jail not exceeding one year or in the state prison, by a
+ fine not exceeding one thousand dollars (\$1,000), or by both that
+ imprisonment and fine.

+ (b) Any person who is convicted, on or after January 1, 2019,
+ of a misdemeanor violation of Section 273.5, and who subsequently
+ owns, purchases, receives, or has in possession or under custody
+ or control, any firearm is guilty of a public offense, punishable by
+ imprisonment in a county jail not exceeding one year or in the
+ state prison, by a fine not exceeding one thousand dollars (\$1,000),
+ or by both that imprisonment and fine.

+ (c) Any person who is convicted on or after January 1, 2020,
+ of a misdemeanor violation of Section 25100, 25135, or 25200,
+ and who, within 10 years of the conviction owns, purchases,
+ receives, or has in possession or under custody or control, any
+ firearm is guilty of a public offense, punishable by imprisonment
+ in a county jail not exceeding one year or in the state prison, by a
+ fine not exceeding one thousand dollars (\$1,000), or by both that
+ fine and imprisonment.

+ (d) Any person who is convicted on or after January 1, 2023,
+ of a misdemeanor violation of subdivision (e) or (f) of Section
+ 29180, and who, within 10 years of the conviction, owns,
+ purchases, receives, or has in possession or under custody or
+ control, any firearm is guilty of a public offense, punishable by
+ imprisonment in a county jail not exceeding one year or in the
+ state prison, by a fine not exceeding one thousand dollars (\$1,000),
+ or by both that imprisonment and fine.

+ (e) The court, on forms prescribed by the Department of Justice,
+ shall notify the department of persons subject to this section.
+ However, the prohibition in this section may be reduced,
+ eliminated, or conditioned as provided in Section 29855 or 29860.

+ *SEC. 28.5. Section 29805 of the Penal Code is amended to*
+ *read:*

+ 29805. (a) (1) Except as provided in Section 29855,
+ subdivision (a) of Section 29800, or subdivision (b), any person
+ who has been convicted of a misdemeanor violation of Section
+ 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148,
+ subdivision (f) of Section 148.5, Section 171b, paragraph (1) of
+ subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241,
+ 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417,

+ 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25300,
+ ~~25800~~, paragraph (5), (6), or (7) of subdivision (c) of Section
+ 25400, Section 25800, paragraph (5), (6), or (7) of subdivision (c)
+ of Section 25850, subdivision (a) of Section 26350, subdivision
+ (a) of Section 26400, 30315, or 32625, subdivision (b) or (d) of
+ Section 26100, or Section 27510, or Section 8100, 8101, or 8103
+ of the Welfare and Institutions Code, any firearm-related offense
+ pursuant to Sections 871.5 and 1001.5 of the Welfare and
+ Institutions Code, Section 487 if the property taken was a firearm,
+ or of the conduct punished in subdivision (c) of Section 27590,
+ and who, within 10 years of the conviction, owns, purchases,
+ receives, or has in possession or under custody or control, any
+ firearm is guilty of a public offense, punishable by imprisonment
+ in a county jail not exceeding one year or in the state prison, by a
+ fine not exceeding one thousand dollars (\$1,000), or by both that
+ imprisonment and fine.

+ (2) Any person who has an outstanding warrant for any
+ misdemeanor offense described in this subdivision, and who has
+ knowledge of the outstanding warrant, and who owns, purchases,
+ receives, or has in possession or under custody or control any
+ firearm is guilty of a public offense, punishable by imprisonment
+ in a county jail not exceeding one year or in the state prison, by a
+ fine not exceeding one thousand dollars (\$1,000), or by both that
+ imprisonment and fine.

+ (b) Any person who is convicted, on or after January 1, 2019,
+ of a misdemeanor violation of Section 273.5, and who subsequently
+ owns, purchases, receives, or has in possession or under custody
+ or control, any firearm is guilty of a public offense, punishable by
+ imprisonment in a county jail not exceeding one year or in the
+ state prison, by a fine not exceeding one thousand dollars (\$1,000),
+ or by both that imprisonment and fine.

+ (c) Any person who is convicted on or after January 1, 2020,
+ of a misdemeanor violation of Section 25100, 25135, or 25200,
+ and who, within 10 years of the conviction owns, purchases,
+ receives, or has in possession or under custody or control, any
+ firearm is guilty of a public offense, punishable by imprisonment
+ in a county jail not exceeding one year or in the state prison, by a
+ fine not exceeding one thousand dollars (\$1,000), or by both that
+ fine and imprisonment.

+ (d) Any person who is convicted on or after January 1, 2023,
+ of a misdemeanor violation of *Section 273a, subdivision (b), (c),*
+ *or (f) of Section 368, or* subdivision (e) or (f) of Section 29180,
+ and who, within 10 years of the conviction, owns, purchases,
+ receives, or has in possession or under custody or control, any
+ firearm is guilty of a public offense, punishable by imprisonment
+ in a county jail not exceeding one year or in the state prison, by a
+ fine not exceeding one thousand dollars (\$1,000), or by both that
+ imprisonment and fine.

+ (e) The court, on forms prescribed by the Department of Justice,
+ shall notify the department of persons subject to this section.
+ However, the prohibition in this section may be reduced,
+ eliminated, or conditioned as provided in Section 29855 or 29860.

Page 54 38 SEC. 29. Section 30370 of the Penal Code is amended to read:

Page 55 39 30370. (a) Commencing July 1, 2019, the department shall
40 electronically approve the purchase or transfer of ammunition
1 through a vendor, as defined in Section 16151, except as otherwise
2 specified. This approval shall occur at the time of purchase or
3 transfer, prior to the purchaser or transferee taking possession of
4 the ammunition. Pursuant to the authorization specified in
5 paragraph (1) of subdivision (c) of Section 30352, the following
6 persons are authorized to purchase ammunition:

7 (1) A purchaser or transferee whose information matches an
8 entry in the Automated Firearms System (AFS) and who is eligible
9 to possess ammunition as specified in subdivision (b).

10 (2) A purchaser or transferee who has a current certificate of
11 eligibility issued by the department pursuant to Section 26710.

12 (3) A purchaser or transferee who is not prohibited from
13 purchasing or possessing ammunition in a single ammunition
14 transaction or purchase made pursuant to the procedure developed
15 pursuant to subdivision (c).

16 (b) To determine if the purchaser or transferee is eligible to
17 purchase or possess ammunition pursuant to paragraph (1) of
18 subdivision (a), the department shall cross-reference the
19 ammunition purchaser's or transferee's name, date of birth, current
20 address, and driver's license or other government identification
21 number, as described in Section 28180, with the information
22 maintained in the AFS. If the purchaser's or transferee's
23 information does not match an AFS entry, the transaction shall be
24 denied. If the purchaser's or transferee's information matches an

Page 55 25 AFS entry, the department shall determine if the purchaser or
26 transferee falls within a class of persons who are prohibited from
27 owning or possessing ammunition by cross-referencing with the
28 Prohibited Armed Persons File. If the purchaser or transferee is
29 prohibited from owning or possessing a firearm, the transaction
30 shall be denied.

31 (c) The department shall develop a procedure in which a person
32 who is not prohibited from purchasing or possessing ammunition
33 may be approved for a single ammunition transaction or purchase.
34 The department shall recover the cost of processing and regulatory
35 and enforcement activities related to this section by charging the
36 ammunition transaction or purchase applicant a fee not to exceed
37 the fee charged for the department's Dealers' Record of Sale
38 (DROS) process, as described in Section 28225, as it read on
39 December 31, 2019, and not to exceed the department's reasonable
40 costs.

Page 56 1 (d) A vendor is prohibited from providing a purchaser or
2 transferee ammunition without department approval. If a vendor
3 cannot electronically verify a person's eligibility to purchase or
4 possess ammunition via an Internet connection, the department
5 shall provide a telephone line to verify eligibility. This option is
6 available to ammunition vendors who can demonstrate legitimate
7 geographical and telecommunications limitations in submitting
8 the information electronically and who are approved by the
9 department to use the telephone line verification.

10 (e) The department shall recover the reasonable cost of
11 regulatory and enforcement activities related to this article by
12 charging ammunition purchasers and transferees a per transaction
13 fee not to exceed one dollar (\$1), provided, however, that the fee
14 may be increased at a rate not to exceed any increases in the
15 California Consumer Price Index as compiled and reported by the
16 Department of Industrial Relations, not to exceed the reasonable
17 regulatory and enforcement costs.

18 (f) A fund to be known as the "Ammunition Safety and
19 Enforcement Special Fund" is hereby created within the State
20 Treasury. All fees received pursuant to this section shall be
21 deposited into the Ammunition Safety and Enforcement Special
22 Fund and, notwithstanding Section 13340 of the Government Code,
23 are continuously appropriated for purposes of implementing,
24 operating, and enforcing the ammunition authorization program

Page 56 25 provided for in this section and Section 30352 and for repaying
26 the start-up loan provided for in Section 30371.

27 (g) The Department of Justice is authorized to adopt regulations
28 to implement this section.

30 SEC. 30. Section 30470 of the Penal Code is amended to read:

31 30470. (a) Commencing July 1, 2022, the department shall
32 electronically approve the purchase or transfer of firearm precursor
33 parts through a vendor, as defined in Section 16532, except as
34 otherwise specified. This approval shall occur at the time of
35 purchase or transfer, prior to the purchaser or transferee taking
36 possession of the firearm precursor part. Pursuant to the
37 authorization specified in paragraph (1) of subdivision (e) of
38 Section 30452, the following persons are authorized to purchase
39 firearm precursor parts:

Page 57 1 (1) A purchaser or transferee whose information matches an
2 entry in the Automated Firearms System (AFS) and who is eligible
3 to possess firearm precursor parts as specified in subdivision (b).

4 (2) A purchaser or transferee who has a current certificate of
5 eligibility issued by the department pursuant to Section 26710.

6 (3) A purchaser or transferee who is not prohibited from
7 purchasing or possessing firearm precursor parts in a single firearm
8 precursor part transaction or purchase made pursuant to the
9 procedure developed pursuant to subdivision (e).

10 (b) To determine if the purchaser or transferee is eligible to
11 purchase or possess firearm precursor parts pursuant to paragraph
12 (1) of subdivision (a), the department shall cross-reference the
13 firearm precursor part purchaser's or transferee's name, date of
14 birth, current address, and driver's license or other government
15 identification number, as described in Section 28180, with the
16 information maintained in the AFS. If the purchaser's or
17 transferee's information does not match an AFS entry, the
18 transaction shall be denied. If the purchaser's or transferee's
19 information matches an AFS entry, the department shall determine
20 if the purchaser or transferee falls within a class of persons who
21 are prohibited from owning or possessing firearm precursor parts
22 by cross-referencing with the Prohibited Armed Persons File. If
23 the purchaser or transferee is prohibited from owning or possessing
24 a firearm, the transaction shall be denied.

25 (c) The department shall develop a procedure in which a person
26 who is not prohibited from purchasing or possessing a firearm

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Page 57 27 precursor part may be approved for a single firearm precursor part
28 transaction or purchase. The department shall recover the cost of
29 processing and regulatory and enforcement activities related to
30 this section by charging the firearm precursor part transaction or
31 purchase applicant a fee not to exceed the fee charged for the
32 department's Dealers' Record of Sale (DROS) process, as described
33 in Section 28225, as it read on December 31, 2019, and not to
34 exceed the department's reasonable costs.

35 (d) A vendor is prohibited from providing a purchaser or
36 transferee a firearm precursor part without department approval.
37 If a vendor cannot electronically verify a person's eligibility to
38 purchase or possess firearm precursor parts via an internet
39 connection, the department shall provide a telephone line to verify
40 eligibility. This option is available to firearm precursor part vendors
Page 58 1 who can demonstrate legitimate geographical and
2 telecommunications limitations in submitting the information
3 electronically and who are approved by the department to use the
4 telephone line verification.

5 (e) The department shall recover the reasonable cost of
6 regulatory and enforcement activities related to this article by
7 charging firearm precursor parts purchasers and transferees a per
8 transaction fee not to exceed one dollar (\$1), provided, however,
9 that the fee may be increased at a rate not to exceed any increases
10 in the California Consumer Price Index as compiled and reported
11 by the Department of Industrial Relations, not to exceed the
12 reasonable regulatory and enforcement costs.

13 (f) A fund to be known as the Firearm Precursor Parts
14 Enforcement Special Fund is hereby created within the State
15 Treasury. All fees received pursuant to this section shall be
16 deposited into the Firearm Precursor Parts Special Fund and,
17 notwithstanding Section 13340 of the Government Code, are
18 continuously appropriated to the department for purposes of
19 implementing, operating, and enforcing the firearm precursor part
20 authorization program provided for in this section and Section
21 30452.

22 (g) The Department of Justice is authorized to adopt regulations
23 to implement this section.

25 SEC. 31. Section 30485 of the Penal Code is amended to read:
26 30485. (a) The Department of Justice is authorized to issue
27 firearm precursor part vendor licenses pursuant to this article. The

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Page 58 28 department shall, commencing April 1, 2022, commence accepting
29 applications for firearm precursor part vendor licenses. If an
30 application is denied, the department shall inform the applicant of
31 the reason for the denial in writing. The annual fee shall be paid
32 on July 1, or the next business day, of every year.
33 (b) The firearm precursor part vendor license shall be issued in
34 a form prescribed by the department. The department may adopt
35 regulations to administer the application and enforcement
36 provisions of this article. The license shall allow the licensee to
37 sell firearm precursor parts at the location specified in the license
38 or at a gun show or event as set forth in Section 30448.
39 (c) (1) In the case of an entity other than a natural person, the
40 department shall issue the license to the entity but shall require a
Page 59 1 responsible person to pass the background check pursuant to
2 Section 30495.
3 (2) For purposes of this article, "responsible person" means a
4 person having the power to direct the management, policies, and
5 practices of the entity as it pertains to firearm precursor parts.
6 (d) Commencing July 1, 2022, a firearms dealer licensed
7 pursuant to Sections 26700 to 26915, inclusive, and licensed
8 ammunition vendor shall automatically be deemed a firearm
9 precursor parts vendor, provided the dealer complies with the
10 requirements of Article 1 (commencing with Section 30400) and
11 Article 2 (commencing with Section 30442) of Chapter 1.5.
12 ~~SEC. 32.~~
+ SEC. 30. The provisions of this act are severable. If any
13 provision of this act or its application is held invalid, that invalidity
14 shall not affect other provisions or applications that can be given
15 effect without the invalid provision or application.
+ SEC. 31. Section 28.5 of this bill incorporates amendments to
+ Section 29805 of the Penal Code proposed by both this bill and
+ Assembly Bill 2239. That section of this bill shall only become
+ operative if (1) both bills are enacted and become effective on or
+ before January 1, 2023, but this bill becomes operative first, (2)
+ each bill amends Section 29805 of the Penal Code, and (3) this
+ bill is enacted after Assembly Bill 2239, in which case Section
+ 29805 of the Penal Code, as amended by Section 28 of this bill,
+ shall remain operative only until the operative date of Assembly
+ Bill 2239, at which time Section 28.5 of this bill shall become
+ operative.

Amendment 183

Page 59 16 ~~SEC. 33.~~
 17 *SEC. 32.* No reimbursement is required by this act pursuant to
 18 Section 6 of Article XIII B of the California Constitution for certain
 19 costs that may be incurred by a local agency or school district
 20 because, in that regard, this act creates a new crime or infraction,
 21 eliminates a crime or infraction, or changes the penalty for a crime
 22 or infraction, within the meaning of Section 17556 of the
 23 Government Code, or changes the definition of a crime within the
 + meaning of Section 6 of Article XIII B of the California
 24 Constitution.
 25 However, if the Commission on State Mandates determines that
 26 this act contains other costs mandated by the state, reimbursement
 27 to local agencies and school districts for those costs shall be made
 28 pursuant to Part 7 (commencing with Section 17500) of Division
 29 4 of Title 2 of the Government Code.
 + *SEC. 33. This act is an urgency statute necessary for the*
 + *immediate preservation of the public peace, health, or safety within*
 + *the meaning of Article IV of the California Constitution and shall*
 + *go into immediate effect. The facts constituting the necessity are:*
 + *In order to provide protection from escalating rates of firearm*
 + *violence in public places, it is necessary that this act go into*
 + *immediate effect.*

Amendment 185

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