

ASSEMBLY BILL

No. 871

Introduced by Assembly Member Jones

February 22, 2013

An act to amend Sections 26150 and 26155 of the Penal Code, relating to concealed weapons.

LEGISLATIVE COUNSEL'S DIGEST

AB 871, as introduced, Jones. Concealed weapons.

Existing law authorizes the sheriff of a county or the chief or other head of a municipal police department of any city or city and county to issue a license to carry a concealed firearm to an applicant for that license if the applicant is of good moral character, good cause exists for issuance of the license, the applicant meets specified residency requirements, and the applicant has completed a specified course of training, including firearm safety.

This bill would require the sheriff or head of a municipal police department to issue that license if the applicant meets those requirements. The bill would also specify that good cause, for purposes of these provisions, includes personal protection or self-defense. Because the bill would impose new duties on local law enforcement officials who will be required to issue these licenses if all of the requirements are met, the bill would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 26150 of the Penal Code is amended to
2 read:

3 26150. (a) When a person applies for a license to carry a pistol,
4 revolver, or other firearm capable of being concealed upon the
5 person, the sheriff of a county ~~may~~ shall issue a license to that
6 person upon proof of all of the following:

- 7 (1) The applicant is of good moral character.
- 8 (2) (A) Good cause exists for issuance of the license.
- 9 (B) For purposes of this subdivision, "good cause" includes,
10 but is not limited to, personal protection or self-defense.

11 (3) The applicant is a resident of the county or a city within the
12 county, or the applicant's principal place of employment or
13 business is in the county or a city within the county and the
14 applicant spends a substantial period of time in that place of
15 employment or business.

16 (4) The applicant has completed a course of training as described
17 in Section 26165.

18 (b) The sheriff may issue a license under subdivision (a) in
19 either of the following formats:

- 20 (1) A license to carry concealed a pistol, revolver, or other
21 firearm capable of being concealed upon the person.
- 22 (2) ~~Where~~ If the population of the county is less than 200,000
23 persons according to the most recent federal decennial census, a
24 license to carry loaded and exposed in only that county a pistol,
25 revolver, or other firearm capable of being concealed upon the
26 person.

27 SEC. 2. Section 26155 of the Penal Code is amended to read:

28 26155. (a) When a person applies for a license to carry a pistol,
29 revolver, or other firearm capable of being concealed upon the
30 person, the chief or other head of a municipal police department
31 of any city or city and county ~~may~~ shall issue a license to that
32 person upon proof of all of the following:

- 33 (1) The applicant is of good moral character.

- 1 (2) (A) Good cause exists for issuance of the license.
2 (B) *For purposes of this subdivision, “good cause” includes,*
3 *but is not limited to, personal protection or self-defense.*
4 (3) The applicant is a resident of that city.
5 (4) The applicant has completed a course of training as described
6 in Section 26165.
7 (b) The chief or other head of a municipal police department
8 may issue a license under subdivision (a) in either of the following
9 formats:
10 (1) A license to carry concealed a pistol, revolver, or other
11 firearm capable of being concealed upon the person.
12 (2) ~~Where~~ *If* the population of the county in which the city is
13 located is less than 200,000 persons according to the most recent
14 federal decennial census, a license to carry loaded and exposed in
15 only that county a pistol, revolver, or other firearm capable of
16 being concealed upon the person.
17 (c) Nothing in this chapter shall preclude the chief or other head
18 of a municipal police department of any city from entering an
19 agreement with the sheriff of the county in which the city is located
20 for the sheriff to process all applications for licenses, renewals of
21 licenses, and amendments to licenses, pursuant to this chapter.
22 SEC. 3. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.