

Initiative Measure to Be Submitted Directly to the Voters

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(11-0056) CONCEALED FIREARMS. INITIATIVE STATUTE. Eliminates good cause and good moral character requirements for license to carry concealed firearms. Compels sheriffs and police chiefs to issue licenses to carry concealed firearms to any eligible applicant with no history of mental illness, substance abuse, or domestic violence, who is not currently under criminal investigation or indictment or currently subject of restraining order. Eliminates sheriffs' and police chiefs' option to require applicants complete up to 24 hours of firearms training, and prohibits them from imposing reasonable restrictions or conditions when issuing the firearms license. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased state and local expenditures of an unknown amount to process applications for concealed firearms licenses, which would be funded with revenues collected from license application fees.

To the Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of the County (or City and County) identified on the signature page of this petition, hereby propose amendments to the California Penal Code relating to concealed firearms licenses and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed statutory amendments (full title and text of the measure) read as follows:

CALIFORNIA "SHALL ISSUE" CONCEALED FIREARMS LICENSE ACT

SECTION 1. Title. This measure shall be known and may be cited as the "California 'Shall Issue' Concealed Firearms License Act."

SECTION 2. Findings and declaration of purpose. The people of the State of California find and declare as follows:

- A. All law-abiding Californians should be treated fairly and equally by law enforcement agencies in the enforcement and application of the laws pertaining to concealed firearms licenses. Currently, the California Penal Code provides that a sheriff or chief or other head of a municipal police department may issue a concealed firearms license to a person who demonstrates to the local licensing authority that he or she has "good cause" and "good moral character" and completes any training course acceptable to the local licensing authority. These terms and conditions are not defined or described in detail in the Penal Code, which has resulted in the unequal application of the laws across the state, the lack of uniform training standards, and the arbitrary and capricious denial of permit applications to Californians who happen to reside in certain jurisdictions.
- B. The arbitrary licensing standards of many counties and cities in California have turned the right to personal protection outside one's home into a privilege often granted only to well-connected and powerful individuals.
- C. More than 30 states have moved to a "shall issue" standard for citizens who go through the arduous process of applying for a license. The expanded issuance of concealed weapons licenses in those states has resulted in lower violent crime rates.
- D. For the foregoing reasons, the people of the State of California hereby enact this Act, which will:
 1. Make California a "shall issue" state for law-abiding citizens who have no history of criminal convictions, mental illness, substance abuse or domestic violence and are not prohibited from possessing, receiving, owning or purchasing firearms; and
 2. Require uniform training standards for license applicants.

SECTION 3. Section 26150 of the Penal Code is amended to read:

26150. ~~(a)~~ When a person applies for a license to carry *concealed* a pistol, revolver, or other firearm capable of being concealed upon the person, the sheriff of a county ~~may shall~~ issue a license to that person ~~upon proof of~~ within 90 days upon determining all of the following:

~~(1) The applicant is of good moral character.~~

(a) The applicant has no history of criminal convictions preventing the applicant from possessing a firearm.

~~(2) Good cause exists for issuance of the license.~~

~~(b) The applicant has no history of medically diagnosed mental illness requiring medication or admission into a mental institution.~~

~~(c) The applicant has no history of substance abuse.~~

~~(d) The applicant has no history of domestic violence.~~

~~(e) The applicant is not under investigation or indictment for any criminal activities.~~

~~(f) The applicant is not the subject of a restraining order.~~

~~(g) The applicant is not otherwise prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm.~~

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

~~(4)(i) The applicant has completed a defensive use of firearm course of training as described in Section 26165.~~

~~(j) The applicant has submitted fingerprints and passed a background check completed by the California Department of Justice pursuant to Section 26185.~~

~~(k) The applicant has paid an application fee as described in Section 26190.~~

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

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

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

SECTION 4. Section 26155 of the Penal Code is amended to read:

26155. (a) When a person applies for a license to carry *concealed* a pistol, revolver, or other firearm capable of being concealed upon the person, the chief or other head of a municipal police department of any city or city and county ~~may shall~~ issue a license to that person ~~upon proof of~~ within 90 days upon determining all of the following:

~~(1) The applicant is of good moral character.~~

(1) The applicant has no history of criminal convictions preventing the applicant from possessing a firearm.

~~(2) Good cause exists for issuance of the license.~~

(2) The applicant has no history of medically diagnosed mental illness requiring medication or admission into a mental institution.

(3) The applicant has no history of substance abuse.

- (4) The applicant has no history of domestic violence.
- (5) The applicant is not under investigation or indictment for any criminal activities.
- (6) The applicant is not the subject of a restraining order.
- (7) The applicant is not otherwise prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm.
- ~~(3)(8)~~ (8) The applicant is a resident of that city.
- ~~(4)(9)~~ (9) The applicant has completed a defensive use of firearm course of training as described in Section 26165.
- (10) The applicant has submitted fingerprints and passed a background check completed by the California Department of Justice pursuant to Section 26185.
- (11) The applicant has paid an application fee as described in Section 26190.

~~(b) The chief or other head of a municipal police department may issue a license under subdivision (a) in either of the following formats:~~

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

~~(e)(b)~~ Nothing in this chapter shall preclude the chief or other head of a municipal police department of any city from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.

SECTION 5. Section 26165 of the Penal Code is amended to read:

26165. (a) For new license applicants, the course of training for issuance of a license under Section 26150 or 26155 may be any course acceptable to the licensing authority; ~~that satisfies the requirements of subdivision (c) and shall not exceed 16 hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.~~

~~(b) Notwithstanding subdivision (a), the licensing authority may require a community college course certified by the Commission on Peace Officer Standards and Training, up to a maximum of 24 hours, but only if required uniformly of all license applicants without exception.~~

~~(e)(b)~~ For license renewal applicants, the course of training may be any course acceptable to the licensing authority; ~~that satisfies the requirements of subdivision (c) and shall be no less than not exceed four eight hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.~~ No course of training shall be required for any person certified by the licensing authority as a trainer for purposes of this section, in order for that person to renew a license issued pursuant to this article.

(c) The course of training must include the following:

- (1) Lecture and discussion on state laws regarding concealed firearms, specifically pertaining to where and when concealed carry is legal.
- (2) Lecture and discussion on state laws governing the use of deadly force.
- (3) Lecture and discussion on state laws regarding the storage of firearms.
- (4) Lecture and discussion on proper etiquette when stopped by or interacting with law enforcement officers while carrying a concealed firearm.
- (5) Lecture and discussion on proper procedures to follow in reporting any incident in which a concealed firearm license holder presented or fired a weapon in a defensive situation.
- (6) Range drills including:
 - (i) Proper loading and unloading of revolvers and semiautomatic pistols.
 - (ii) Proper grip and stance.
 - (iii) Proper sight picture, sight alignment, and trigger control.
 - (iv) Proper trigger reset.
 - (v) 5 step presentation from a concealed holster.
 - (vi) Tactical reloads.
 - (vii) Emergency reloads.
 - (viii) Type 1, 2 and 3 malfunctions.
 - (ix) Firing drills shooting controlled pairs from 3, 5, 7, 10 and 15 yards.

(x) Completion and passage with a score of 70 percent or higher of a skills test using the firearm to be licensed for concealment. The test shall include shooting drills from 3, 5, 7, 10 and 15 yards at a humanoid silhouette target that provide the applicant no more than 30 seconds for every five shots fired.

~~(d) The applicant shall not be required to pay for any training courses prior to the determination of good cause being made pursuant to Section 26202.~~

SECTION 6. Section 26185 of the Penal Code is amended to read:

26185. (a) (1) The fingerprints of each applicant shall be taken and two copies on forms prescribed by the Department of Justice shall be forwarded to the department.

(2) Upon receipt of the fingerprints and *its share* of the fee as prescribed in Section 26190, the department shall promptly furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office, including information as to whether the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(3) No license shall be issued by any licensing authority until after receipt of the report from the department.

(b) Notwithstanding subdivision (a), if the license applicant has previously applied to the same licensing authority for a license to carry firearms pursuant to this article and the applicant's fingerprints and fee have been previously forwarded to the Department of Justice, as provided by this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the Department of Justice on the copy of any subsequent license submitted to the department in conformance with Section 26225 and no additional application form or fingerprints shall be required.

(c) If the license applicant has a license issued pursuant to this article and the applicant's fingerprints have been previously forwarded to the Department of Justice, as provided in this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the Department of Justice on the copy of any subsequent license submitted to the department in conformance with Section 26225 and no additional fingerprints shall be required.

SECTION 7. Section 26190 of the Penal Code is amended to read:

26190. (a) (1) Each applicant for a new license or for the renewal of a license shall pay at the time of filing the application a fee ~~that reflects the actual administrative costs incurred by the licensing authority and the Department of Justice for processing the application, including the report required by Section 26185 determined by the Department of Justice. The fee shall not exceed the application processing costs of the Department of Justice for the direct costs of furnishing the report required by Section 26185.~~

~~(2) After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost of living adjustments for the department's budget.~~

~~(3)(2)~~ The officer licensing authority receiving the application and the fee shall transmit *a portion* of the fee, with the fingerprints if required, to the Department of Justice ~~and shall transmit the remainder of the fee to the city, city and county, or county treasury.~~

~~(b) (1) The licensing authority of any city, city and county, or county may charge an additional fee in an amount equal to the actual costs for processing the application for a new license, including any required notices, excluding fingerprint and training costs, but in no case to exceed one hundred dollars (\$100), and shall transmit the additional fee, if any, to the city, city and county, or county treasury.~~

~~(2) The first 20 percent of this additional local fee may be collected upon filing of the initial application. The balance of the fee shall be collected only upon issuance of the license.~~

~~(c) The licensing authority may charge an additional fee, not to exceed twenty five dollars (\$25), for processing the application for a license renewal, and shall transmit an additional fee, if any, to the city, city and county, or county treasury.~~

~~(d) These local fees may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.~~

~~(e)(b)~~ (1) In the case of an amended license pursuant to Section 26215, the licensing authority of any city, city and county, or county may charge a fee that reflects the actual administrative costs incurred, not to exceed ten dollars (\$10), for processing the amended license.

~~(2) This fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.~~

~~(3)(2)~~ The licensing authority shall transmit the fee to the city, city and county, or county treasury.

~~(f) (1) If psychological testing on the initial application is required by the licensing authority, the license applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. The applicant may be charged for the actual cost of the testing in an amount not to exceed one hundred fifty dollars (\$150).~~

~~(2) Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary. The cost to the applicant for this additional testing shall not exceed one hundred fifty dollars (\$150).~~

~~(g)(c)~~ Except as authorized pursuant to this section, no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant, or requires the applicant to obtain liability insurance, may be imposed by any licensing authority as a condition of the application for a license.

SECTION 8. Section 26200 of the Penal Code is repealed.

~~26200. (a) A license issued pursuant to this article may include any reasonable restrictions or conditions that the issuing authority deems warranted, including restrictions as to the time, place, manner, and circumstances under which the licensee may carry a pistol, revolver, or other firearm capable of being concealed upon the person.~~

~~(b) Any restrictions imposed pursuant to subdivision (a) shall be indicated on any license issued.~~

SECTION 9. Section 26202 of the Penal Code is repealed.

~~26202. Upon making the determination of good cause pursuant to Section 26150 or 26155, the licensing authority shall give written notice to the applicant of the licensing authority's determination. If the licensing authority determines that good cause exists, the notice shall inform the applicants to proceed with the training requirements specified in Section 26165. If the licensing authority determines that good cause does not exist, the notice shall inform the applicant that the request for a license has been denied and shall state the reason from the department's published policy, described in Section 26160, as to why the determination was made.~~

SECTION 10. Section 26205 of the Penal Code is amended to read:

26205. The licensing authority shall give written notice to the applicant indicating if the license under this article is approved or denied. The licensing authority shall give this notice within 90 days of the initial application for a new license or a license renewal, 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.

SECTION 11. Section 26210 of the Penal Code is amended to read:

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

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

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

~~(1) The licensee has not breached any of the conditions or restrictions set forth in the license.~~

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

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

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

SECTION 12. Section 26215 of the Penal Code is amended to read:

26215. (a) A person issued a license pursuant to this article may apply to the licensing authority for an amendment to the license to do one or more of the following:

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

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

~~(3) If the population of the county is less than 200,000 persons according to the most recent federal decennial census, authorize the licensee to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.~~

~~(4) Change any restrictions or conditions on the license, including restrictions as to the time, place, manner, and circumstances under which the person may carry a pistol, revolver, or other firearm capable of being concealed upon the person.~~

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

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

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

SECTION 13. Section 26220 of the Penal Code is amended to read:

26220. (a) Except as otherwise provided in this section and in subdivision (c) or (d) of Section 26210, a license issued pursuant to Section 26150 or 26155 is valid for ~~any period of time not to exceed~~ two years from the date of the license.

(b) If the licensee's place of employment or business was the basis for issuance of a license pursuant to Section 26150, ~~the license is valid for any period of time not to exceed 90 days from the date of the license. The license shall be valid only in the county in which the license was originally issued.~~ The licensee shall give a copy of this license to the licensing authority of the city, county, or city and county in which the licensee resides. The licensing authority that originally issued the license shall inform the licensee verbally and in writing in at least 16-point type of this obligation to give a copy of the license to the licensing authority of the city, county, or city and county of residence. Any application to renew or extend the validity of, or reissue, the license may be granted only upon the concurrence of the licensing authority that originally issued the license and the licensing authority of the city, county, or city and county in which the licensee resides.

(c) A license issued pursuant to Section 26150 or 26155 is valid for ~~any period of time not to exceed~~ three years from the date of the license if the license is issued to any of the following individuals:

(1) A judge of a California court of record.

(2) A full-time court commissioner of a California court of record.

(3) A judge of a federal court.

(4) A magistrate of a federal court.

(d) A license issued pursuant to Section 26150 or 26155 is valid for ~~any period of time not to exceed~~ four years from the date of the license if the license is issued to a custodial officer who is an employee of the sheriff as provided in Section 831.5, except that the license shall be invalid upon the conclusion of the person's employment pursuant to Section 831.5 if the four-year period has not otherwise expired or any other condition imposed pursuant to this article does not limit the validity of the license to a shorter time period.

(e) A license issued pursuant to Section 26170 to a peace officer appointed pursuant to Section 830.6 is valid for ~~any period of time not to exceed~~ four years from the date of the license, except that the license shall be invalid upon the conclusion of the person's appointment pursuant to Section 830.6 if the four-year period has not otherwise expired or any other condition imposed pursuant to this article does not limit the validity of the license to a shorter time period.