



STATE CAPITOL
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CHIEF ADMINISTRATIVE OFFICER
 DEBRA GRAVERT

Assembly
California Legislature
Committee on Rules

KEN COOLEY
CHAIR

Thursday, August 4, 2022
 8:45 a.m.
 State Capitol, Room 437

CONSENT AGENDA

VICE CHAIR
 WALDRON, MARIE

MEMBERS
 ALVAREZ, DAVID
 BENNETT, STEVE
 FLORA, HEATH
 FONG, MIKE
 GIPSON, MIKE A.
 LEE, ALEX
 MATHIS, DEVON J.
 MCKINNOR, TINA
 RUBIO, BLANCA E.
 VILLAPUDUA, CARLOS
 LEVINE, MARC (D-ALT)
 VALLADARES, SUZETTE
 MARTINEZ (R-ALT)

BILL REFERRALS

1. Bill Referrals

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RESOLUTIONS

2. ACR-152 (Salas) Gold Star Mothers' and Families' Day.
 3. ACR-206 (Kalra) India's Independence Day.
 4. ACR-210 (Rodriguez) California Emergency Preparedness Month.
 5. ACR-213 (Akilah Weber) California HPV Vaccine Week. (refer/hear)
 6. ACR-214 (Fong) Valley Fever Awareness Month. (refer/hear)
 7. HR-83 (Seyarto) Constitution Week.
 8. HR-111 (Seyarto) Service Dog Appreciation Month.
 9. HR-121 (Petrie-Norris) Overdose Awareness Week.

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REQUEST TO ADD URGENCY CLAUSE

10. SB 918 (Portantino) Firearms

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BLANCA E. RUBIO
CARLOS VILLAPUDUA

MARC LEVINE (D-ALT.)
SUZETTE VALLADARES (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 8/3/2022
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, there have been no changes.

REFERRAL OF BILLS TO COMMITTEE

08/04/2022

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>ACR 213</u>	RLS.
<u>ACR 214</u>	RLS.
<u>HR 123</u>	RLS.
<u>SB 1358</u>	APPR.

Assembly Concurrent Resolution

No. 152

Introduced by Assembly Member Salas

February 23, 2022

Assembly Concurrent Resolution No. 152—Relative to Gold Star Mothers’ and Families’ Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 152, as introduced, Salas. Gold Star Mothers’ and Families’ Day.

This measure would proclaim September 25, 2022, as Gold Star Mothers’ and Families’ Day in California.

Fiscal committee: no.

1 WHEREAS, The history of Gold Star Families began in the
2 United States shortly after World War I to provide support for
3 mothers who lost sons or daughters in the war; and

4 WHEREAS, The reference to the Gold Star comes from the
5 custom of families of servicemembers hanging a service flag in
6 the window of their homes displaying a blue star for every living
7 family member in the service and a gold star for those who have
8 perished; and

9 WHEREAS, The United States began observing Gold Star
10 Mothers’ Day on the last Sunday of September in 1936, and the
11 Gold Star Wives was formed before the end of World War II; and

12 WHEREAS, Since 2009, the President of the United States has
13 issued annual proclamations designating the last Sunday in
14 September as Gold Star Mothers’ and Families’ Day; and

1 WHEREAS, The strength of our military is built upon those
2 who serve in uniform and the families who support them; and
3 WHEREAS, Since the start of the War on Terror, more than
4 6,800 members of the Armed Forces of the United States have lost
5 their lives; and
6 WHEREAS, The families of our fallen soldiers have made a
7 tremendous sacrifice on behalf of our country; and
8 WHEREAS, All Gold Star Families deserve to be recognized
9 by our local, state, and federal leaders for their sacrifices and for
10 their dedicated and patriotic support of the United States; and
11 WHEREAS, Supporting Gold Star Families who have lost loved
12 ones to combat demonstrates the commitment of the American
13 people to those families now and in the future; and
14 WHEREAS, As a nation, we must continually look for new
15 ways to support Gold Star Families both in the days immediately
16 following the tragedy and in the years that follow; now, therefore,
17 be it
18 *Resolved by the Assembly of the State of California, the Senate*
19 *thereof concurring,* That the Legislature hereby proclaims
20 September 25, 2022, as Gold Star Mothers’ and Families’ Day in
21 California; and be it further
22 *Resolved,* That the Chief Clerk of the Assembly transmit copies
23 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 4, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 152 (Salas) – As Introduced February 23, 2022

SUBJECT: Gold Star Mothers' and Families' Day.

SUMMARY: Proclaims September 25, 2022, as Gold Star Mothers' and Families' Day in California. Specifically, **this resolution** makes the following legislative findings:

- 1) The history of Gold Star Families began in the United States shortly after World War I to provide support for mothers who lost sons or daughters in the war.
- 2) The reference to the Gold Star comes from the custom of families of service members hanging a service flag in the window of their homes displaying a blue star for every living family member in the service and a gold star for those who have perished.
- 3) The United States began observing Gold Star Mothers' Day on the last Sunday of September in 1936, and the Gold Star Wives was formed before the end of World War II.
- 4) Since 2009, the President of the United States has issued annual proclamations designating the last Sunday in September as Gold Star Mothers' and Families' Day.
- 5) The strength of our military is built upon those who serve in uniform and the families who support them. The families of our fallen soldiers have made a tremendous sacrifice on behalf of our country.
- 6) All Gold Star Families deserve to be recognized by our local, state, and federal leaders for their sacrifices and for their dedicated and patriotic support of the United States.
- 7) Supporting Gold Star Families who have lost loved ones to combat demonstrates the commitment of the American people to those families now and in the future. We must continually look for new ways to support Gold Star Families both in the days immediately following the tragedy and in the years that follow.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 206

Introduced by Assembly Member Kalra
(Principal coauthors: Assembly Members Cristina Garcia, Lee,
and Stone)

(Principal coauthors: Senators Archuleta, Cortese, and Wieckowski)

June 14, 2022

Assembly Concurrent Resolution No. 206—Relative to India’s Independence Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 206, as introduced, Kalra. India’s Independence Day.

This measure would recognize August 15, 2022, as India’s Independence Day and urge all Californians to join in celebrating India’s independence.

Fiscal committee: no.

- 1 WHEREAS, As the day began on August 15, 1947, at the stroke
- 2 of midnight, the first Prime Minister of India, Jawaharlal Nehru,
- 3 gave his famous Tryst with Destiny speech proclaiming India’s
- 4 independence; and
- 5 WHEREAS, The Tryst with Destiny speech captured the essence
- 6 of the nonviolent Indian freedom struggle against British colonial
- 7 rule in India; and
- 8 WHEREAS, India’s Independence Day is one of the most
- 9 important national holidays in India. The biggest event of the day
- 10 takes place in Delhi where the Prime Minister hoists the national
- 11 flag at the Red Fort, delivers a nationally televised speech that
- 12 highlights the achievements of the government, discusses current

1 issues and future plans for progress, and pays tribute to the leaders
2 of India's struggle for freedom; and

3 WHEREAS, India's Independence Day is celebrated on August
4 15 of each year to commemorate its independence. It was
5 celebrated by 400 million Indians in 1947 and today is celebrated
6 by over one billion people living in India, and many people living
7 in other parts of the world, including California, which is home to
8 the largest population of Asian Indians in the United States; and

9 WHEREAS, The local community of people in California who
10 hail from India, or with ancestral ties to India, continually
11 demonstrate the greatness and beauty of their homeland, and their
12 contributions are notable and reflect success in many industries
13 and community activism; and

14 WHEREAS, Ever since August 15, 1947, India's nonviolent
15 struggle for freedom, its rejection of terrorism and extremism, and
16 its belief in democracy, tolerance, and the rule of law have been
17 an inspiration and beacon of hope for people around the world;
18 and

19 WHEREAS, India's example has had a profound effect on many
20 countries, including the United States. Leaders of our civil rights
21 movement, including Dr. Martin Luther King, Jr., spoke about the
22 debt they owed to Mahatma Gandhi. Ties between our two peoples
23 have never been stronger. The over three million members of the
24 Indian American community are living examples of the bonds that
25 bind our nations together and their accomplishments have become
26 well-known and admired in both countries; and

27 WHEREAS, India is the world's largest democracy by
28 population with roughly 1.4 billion people, more than one billion
29 of whom are eligible to vote; now, therefore, be it

30 *Resolved by the Assembly of the State of California, the Senate*
31 *thereof concurring*, That the Legislature hereby recognizes August
32 15, 2022, as India's Independence Day and urges all Californians
33 to join in celebrating India's independence; and be it further

34 *Resolved*, That the Chief Clerk of the Assembly transmit copies
35 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 4, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 206 (Kalra) – As Introduced June 14, 2022

SUBJECT: India's Independence Day.

SUMMARY: Recognizes August 15, 2022, as India's Independence Day, and urges all Californians to join in celebrating India's independence. Specifically, **this resolution** makes the following legislative findings:

- 1) As the day began on August 15, 1947, at the stroke of midnight, the first Prime Minister of India, Jawaharlal Nehru, gave his famous Tryst with Destiny speech proclaiming India's independence. The Tryst with Destiny speech captured the essence of the nonviolent Indian freedom struggle against British colonial rule in India.
- 2) India's Independence Day is one of the most important national holidays in India. The biggest event of the day takes place in Delhi where the Prime Minister hoists the national flag at the Red Fort, delivers a nationally televised speech that highlights the achievements of the government, discusses current issues and future plans for progress, and pays tribute to the leaders of India's struggle for freedom.
- 3) India's Independence Day is celebrated on August 15 of each year to commemorate its independence. It was celebrated by 400 million Indians in 1947 and today is celebrated by over one billion people living in India, and many people living in other parts of the world, including California, which is home to the largest population of Asian Indians in the United States.
- 4) Ever since August 15, 1947, India's nonviolent struggle for freedom, its rejection of terrorism and extremism, and its belief in democracy, tolerance, and the rule of law have been an inspiration and beacon of hope for people around the world.
- 5) India's example has had a profound effect on many countries, including the United States. The over three million members of the Indian American community are living examples of the bonds that bind our nations together and their accomplishments have become well-known and admired in both countries.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 210

Introduced by Assembly Members Rodriguez and Seyarto

June 20, 2022

Assembly Concurrent Resolution No. 210—Relative to California
Emergency Preparedness Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 210, as introduced, Rodriguez. California Emergency
Preparedness Month.

This measure would declare the month of September 2022 as
California Emergency Preparedness Month.

Fiscal committee: no.

1 WHEREAS, Launched in 2004, National Preparedness Month
2 is the Federal Emergency Management Agency’s national annual
3 preparedness outreach; and

4 WHEREAS, National Preparedness Month aims to educate and
5 empower Americans during the month and throughout the year to
6 prepare for and respond to all types of emergencies, including
7 natural disasters and manmade emergencies; and

8 WHEREAS, California has experienced an uptick over the last
9 decade in emergency situations that require individuals to prepare
10 in advance; and

11 WHEREAS, These disasters include rolling blackouts, wildfires,
12 mudslides, and others that can leave Californians without power
13 or foods for days; and

14 WHEREAS, In the last year, California suffered 11 declared
15 emergencies, including fires, drought, extreme heat, winter storms,

1 and oil spills, and several other emergency situations such as
2 blackouts, earthquakes, and high winds; and
3 WHEREAS, In response to emergencies and disasters, hundreds
4 of thousands of people have been subject to mandatory evacuations;
5 and
6 WHEREAS, It is more critical than ever before that Californians
7 have a plan prior to experiencing these events; and
8 WHEREAS, These plans should include access to adequate
9 shelter, reserves of food and water, backup power for
10 communication devices, plans for pets, and access to transportation;
11 and
12 WHEREAS, September is celebrated as National Preparedness
13 Month; now, therefore, be it
14 *Resolved by the Assembly of the State of California, the Senate*
15 *thereof concurring*, That the Legislature hereby proclaims the
16 month of September 2022 as California Emergency Preparedness
17 Month; and be it further
18 *Resolved*, That the Legislature encourages Californians to
19 acknowledge the importance of planning for emergencies to protect
20 themselves and their families; and be it further
21 *Resolved*, That the Chief Clerk of the Assembly transmit copies
22 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 4, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 210 (Rodriguez) – As Introduced June 20, 2022

SUBJECT: California Emergency Preparedness Month.

SUMMARY: Declares the month of September 2022 as California Emergency Preparedness Month. Specifically, **this resolution** makes the following legislative findings:

- 1) Launched in 2004, National Preparedness Month is the Federal Emergency Management Agency's national annual preparedness outreach.
- 2) National Preparedness Month aims to educate and empower Americans during the month and throughout the year to prepare for and respond to all types of emergencies, including natural disasters and manmade emergencies.
- 3) California has experienced an uptick over the last decade in emergency situations that require individuals to prepare in advance. These disasters include rolling blackouts, wildfires, mudslides, and others that can leave Californians without power or food for days.
- 4) In the last year, California suffered 11 declared emergencies, including fires, drought, extreme heat, winter storms, and oil spills, and several other emergency situations. In response to emergencies and disasters, hundreds of thousands of people have been subject to mandatory evacuations.
- 5) It is critical that Californians have a plan prior to experiencing these events. These plans should include access to adequate shelter, reserves of food and water, backup power for communication devices, plans for pets, and access to transportation.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 213

Introduced by Assembly Member Akilah Weber

August 1, 2022

Assembly Concurrent Resolution No. 213—Relative to California HPV Vaccine Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 213, as introduced, Akilah Weber. California HPV Vaccine Week.

This measure would proclaim the week of August 1, 2022, to August 7, 2022, inclusive, as California HPV Vaccine Week in order to increase awareness of the human papillomavirus (HPV) vaccine as a cancer prevention tool and to promote the vaccination of all adolescents who are 9 to 13 years of age, inclusive, throughout California. The measure would urge all health providers and community members to get California adolescents caught up on all routine vaccinations, especially the cancer-preventing HPV vaccine.

Fiscal committee: no.

- 1 WHEREAS, The State Department of Public Health administers
- 2 California’s Comprehensive Cancer Control Program (CCCP)
- 3 from its Chronic Disease Surveillance and Research Branch, the
- 4 mission of which is to eliminate the cancer burden in California
- 5 and achieve health equity in cancer care and survivorship through
- 6 effective partnerships and efficient collaboration; and
- 7 WHEREAS, A key function of CCCP is the development and
- 8 implementation of the statewide Comprehensive Cancer Control
- 9 Plan. The current Cancer Control Plan for 2021–25 includes three

1 objectives related to human papillomavirus (HPV) vaccination,
2 with goals to increase HPV vaccine series initiation among children
3 13 years of age to 90 percent, increase HPV vaccine series
4 completion among children 13 years of age to 80 percent by 2025,
5 and reduce the geographic disparity gap in HPV vaccination rates
6 for this age group by 2025; and

7 WHEREAS, HPV vaccination is cancer prevention. Fifteen
8 years of monitoring data have confirmed the safety and efficacy
9 of the HPV vaccine, with over 270,000,000 doses given worldwide
10 and strong evidence that the vaccine prevents certain HPV
11 infections that can cause six types of cancer. However, HPV
12 vaccination rates have continued to lag in the United States; and

13 WHEREAS, Prior to the COVID-19 pandemic, HPV vaccination
14 completion in California had reached 62.3 percent, which is far
15 below the national goal of 80 percent vaccination among
16 adolescents. Following lock down precautions in March 2020,
17 HPV vaccinations in the United States initially dropped 70 percent,
18 and while HPV vaccination rates continue to recover, the rates
19 have yet to rebound to prepandemic levels, which were already
20 below the target level; and

21 WHEREAS, A federal Centers for Disease Control and
22 Prevention analysis stated that "the decline in routine childhood
23 vaccinations during the coronavirus pandemic may lead to an
24 increase in preventable diseases"; and

25 WHEREAS, The Assembly and the Senate of the State of
26 California support California HPV Vaccine Week as part of an
27 urgent effort to get adolescents caught up on all routine
28 immunizations, including the HPV vaccine; now, therefore, be it

29 *Resolved by the Assembly of the State of California, the Senate*
30 *thereof concurring*, That the Legislature proclaims the week of
31 August 1, 2022, to August 7, 2022, inclusive, as California HPV
32 Vaccine Week in order to increase awareness of the HPV vaccine
33 as a cancer prevention tool and to promote the vaccination of all
34 adolescents who are 9 to 13 years of age, inclusive, throughout
35 California; and be it further

36 *Resolved*, That the Legislature urges all health providers and
37 community members to get California adolescents caught up on
38 all routine vaccinations, especially the cancer-preventing HPV
39 vaccine; and be it further

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 4, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 213 (Akilah Weber) – As Introduced August 1, 2022

SUBJECT: California HPV Vaccine Week.

SUMMARY: Proclaims the week of August 1, 2022, to August 7, 2022, inclusive, as California HPV Vaccine Week in order to increase awareness of the HPV vaccine as a cancer prevention tool and to promote the vaccination of all adolescents who are 9 to 13 years of age throughout California. Specifically, **this resolution** makes the following legislative findings:

- 1) The State Department of Public Health administers California’s Comprehensive Cancer Control Program (CCCP) from its Chronic Disease Surveillance and Research Branch, the mission of which is to eliminate the cancer burden in California and achieve health equity in cancer care and survivorship through effective partnerships and efficient collaboration.
- 2) A key function of CCCP is the development and implementation of the statewide Comprehensive Cancer Control Plan. The current Cancer Control Plan for 2021–25 includes three objectives related to human papillomavirus (HPV) vaccination, with goals to increase HPV vaccine series initiation among children 13 years of age to 90 percent, increase HPV vaccine series completion among children 13 years of age to 80 percent by 2025, and reduce the geographic disparity gap in HPV vaccination rates for this age group by 2025.
- 3) HPV vaccination is cancer prevention. Fifteen years of monitoring data have confirmed the safety and efficacy of the HPV vaccine, with over 270,000,000 doses given worldwide and strong evidence that the vaccine prevents certain HPV infections that can cause six types of cancer. However, HPV vaccination rates have continued to lag in the United States.
- 4) Prior to the COVID-19 pandemic, HPV vaccination completion in California had reached 62.3 percent, which is far below the national goal of 80 percent vaccination among adolescents. Following lock down precautions in March 2020, HPV vaccinations in the United States initially dropped 70 percent, and while HPV vaccination rates continue to recover, the rates have yet to rebound to prepandemic levels, which were already below the target level.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 214

Introduced by Assembly Member Fong

August 1, 2022

Assembly Concurrent Resolution No. 214—Relative to Valley Fever Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 214, as introduced, Fong. Valley Fever Awareness Month.

This measure would declare August 2022 as Valley Fever Awareness Month.

Fiscal committee: no.

1 WHEREAS, Valley Fever (coccidioidomycosis), a progressive,
2 multisymptom, respiratory disorder, is a debilitating disease; and
3 WHEREAS, Valley Fever is caused by the inhalation of tiny
4 airborne fungi that live in the soil but are released into the air by
5 soil disturbance or wind; and

6 WHEREAS, Valley Fever attacks the respiratory system, causing
7 infections that can lead to symptoms that resemble a cold,
8 influenza, or pneumonia; and

9 WHEREAS, If left untreated or mistreated, infection can spread
10 from the lungs into the bloodstream, causing inflammation to the
11 skin, permanent damage to lung and bone tissue, and swelling of
12 the membrane surrounding the brain, leading to meningitis, which
13 can be devastating and even fatal; and

14 WHEREAS, Once serious symptoms of Valley Fever appear,
15 including pneumonia and labored breathing, prompt treatment with
16 often toxic antifungal drugs must be given, which is especially

1 disagreeable for patients who require the drugs to be injected
2 beneath the base of their skulls for meningitis and which can cause
3 side effects, including nausea, fever, and kidney damage; and

4 WHEREAS, Within California alone, Valley Fever is found in
5 portions of the Sacramento Valley, all of the San Joaquin Valley,
6 desert regions, and portions of southern California; and

7 WHEREAS, California does not have an official statewide
8 method of tracking the rate of Valley Fever infections; and

9 WHEREAS, According to the federal Centers for Disease
10 Control and Prevention (CDC), Valley Fever infection rates rose
11 twelvefold nationwide from 1995 to 2009, inclusive, and
12 researchers estimate that the fungus infects more than 150,000
13 people each year who either suffer serious ailments without
14 knowing the cause of their illness or escape detection of the
15 disease; and

16 WHEREAS, According to the CDC, between 1999 and 2011,
17 the rate of infection of Valley Fever in California rose more than
18 600 percent, from 939 cases in 1999 to 5,697 cases in 2011, before
19 declining to 2,243 cases in 2014, but increasing again to 7,546
20 cases in 2018; and

21 WHEREAS, In the County of Kern, the rate of infection of
22 Valley Fever more than tripled from 2009, for a total of 2,051
23 cases in 2010 and 2,734 cases in 2011, before declining to 1210
24 cases in 2014 and spiking again to nearly 2,500 cases in 2016; and

25 WHEREAS, Although the rate of Valley Fever infection in
26 California declined between 2011 and 2014, it increased annually
27 between 2014 and 2018, infecting Californians at eight times the
28 rate of infection in 1999; and

29 WHEREAS, According to the State Department of Public
30 Health, from January 1 to October 31, 2017, inclusive, 5,121
31 provisional cases of Valley Fever were reported in California. This
32 is an increase of 1,294 provisional cases from the provisional 3,827
33 cases reported during that same time period in 2016; and

34 WHEREAS, Misdiagnosis of Valley Fever is so pervasive that
35 experts say some people suffer and even die from Valley Fever
36 without knowing they ever had the disease; and

37 WHEREAS, Governor Edmond G. Brown Jr. declared a Drought
38 State of Emergency on January 17, 2014, and California continues
39 to experience record dry conditions; and

1 WHEREAS, Dry conditions and lack of precipitation present
2 urgent problems regarding Valley Fever; and

3 WHEREAS, Valley Fever is usually found in soil two to eight
4 inches, inclusive, from the surface, and the extreme dry conditions
5 caused by drought increase the chances of coccidioidomycosis
6 airborne fungi exposure; and

7 WHEREAS, Central Valley prison inmates have been infected
8 by Valley Fever at epidemic rates, contributing significantly to the
9 state's prison healthcare costs; and

10 WHEREAS, The rapid spread of Valley Fever at state prisons
11 in the Central Valley has resulted in multiple prison inmate deaths
12 and prompted calls to close certain affected prisons, further
13 exacerbating efforts to comply with federal orders to reduce prison
14 overcrowding; and

15 WHEREAS, Valley Fever kills between 100 to 200, inclusive,
16 more Americans every year than tuberculosis; and

17 WHEREAS, Valley Fever most seriously affects the young, the
18 elderly, those with lowered immune systems, and those of African
19 American and Filipino descent; and

20 WHEREAS, Valley Fever is a disease that has been studied for
21 the past 100 years but still remains impossible to control and
22 difficult to treat; and

23 WHEREAS, There is no known cure for Valley Fever, but
24 researchers are closer than ever to finding a much-needed vaccine
25 against this devastating disease; and

26 WHEREAS, The research effort to find a vaccine for Valley
27 Fever and a funding partnership including the State of California
28 were approved by the Legislature and signed by Governor Pete
29 Wilson in 1997; now, therefore, be it

30 *Resolved by the Assembly of the State of California, the Senate*
31 *thereof concurring*, That the Legislature hereby proclaims August
32 2022 as Valley Fever Awareness Month; and be it further

33 *Resolved*, That the Chief Clerk of the Assembly transmit copies
34 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 4, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 214 (Fong) – As Introduced August 1, 2022

SUBJECT: Valley Fever Awareness Month.

SUMMARY: Declares August 2022 as Valley Fever Awareness Month. Specifically, **this resolution** makes the following legislative findings:

- 1) Valley Fever (coccidioidomycosis), a progressive, multisymptom, respiratory disorder, is a debilitating disease, and is caused by the inhalation of tiny airborne fungi that live in the soil but are released into the air by soil disturbance or wind.
- 2) Valley Fever attacks the respiratory system, causing infections that can lead to symptoms that resemble a cold, influenza, or pneumonia. If left untreated or mistreated, infection can spread from the lungs into the bloodstream, causing inflammation to the skin, permanent damage to lung and bone tissue, and swelling of the membrane surrounding the brain, leading to meningitis, which can be devastating and even fatal.
- 3) Once serious symptoms of Valley Fever appear, including pneumonia and labored breathing, prompt treatment with often toxic antifungal drugs must be given, which is especially disagreeable for patients who require the drugs to be injected beneath the base of their skulls for meningitis and which can cause side effects, including nausea, fever, and kidney damage.
- 4) Within California alone, Valley Fever is found in portions of the Sacramento Valley, all of the San Joaquin Valley, desert regions, and portions of southern California. However, California does not have an official statewide method of tracking the rate of Valley Fever infections.
- 5) According to the federal Centers for Disease Control and Prevention (CDC), Valley Fever infection rates rose twelvefold nationwide from 1995 to 2009, and researchers estimate that the fungus infects more than 150,000 people each year who either suffer serious ailments without knowing the cause of their illness or escape detection of the disease.
- 6) According to the CDC, between 1999 and 2011, the rate of infection of Valley Fever in California rose more than 600 percent, from 939 cases in 1999 to 5,697 cases in 2011, before declining to 2,243 cases in 2014, but increasing again to 7,546 cases in 2018.
- 7) Although the rate of Valley Fever infection in California declined between 2011 and 2014, it increased annually between 2014 and 2018, infecting Californians at eight times the rate of infection in 1999.
- 8) Dry conditions and lack of precipitation present urgent problems regarding Valley Fever. Valley Fever is usually found in soil two to eight inches from the surface, and the extreme dry conditions caused by drought increase the chances of coccidioidomycosis airborne fungi exposure.

- 9) Valley Fever is a disease that has been studied for the past 100 years but still remains impossible to control and difficult to treat. There is no known cure for Valley Fever, but researchers are closer than ever to finding a much-needed vaccine against this devastating disease.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

House Resolution

No. 83

**Introduced by Assembly Member Seyarto
(Principal coauthors: Assembly Members Bryan, Flora, Fong, and
Lackey)**

January 26, 2022

House Resolution No. 83—Relative to Constitution Week.

1 WHEREAS, September 17, 2022, will mark the 235th
2 anniversary of the framing of the Constitution of the United States
3 of America at the Constitutional Convention; and

4 WHEREAS, It is appropriate and fitting that Californians
5 commemorate the historical contributions that the United States
6 Constitution has made to citizens and its significance in preserving
7 the individual freedoms, liberties, and common welfare of the
8 people who live in the United States; and

9 WHEREAS, The United States Constitution was written in the
10 same Pennsylvania State House where the Declaration of
11 Independence was signed, and where George Washington received
12 his commission as Commander in Chief of the Continental Army;
13 and

14 WHEREAS, The Constitutional Convention of 1787 was called
15 to revise the Articles of Confederation, which failed to vest the
16 federal government with the necessary powers to ensure the
17 physical and financial security of the new nation; and

18 WHEREAS, The delegates to the convention fiercely deliberated
19 for 100 days with only 10 days of rest; and

20 WHEREAS, Despite the geographic, economic, and cultural
21 differences that threatened to divide the United States in its infancy,
22 the framers came to many compromises through open and civil

1 discourse to secure and establish the country as we know it today;
2 and

3 WHEREAS, The framers of the United States Constitution were
4 especially concerned with limiting the power of government and
5 securing the liberty of citizens through the doctrines of the
6 separation of powers, checks and balances, and explicit guarantees
7 of individual liberty; and

8 WHEREAS, Section 4 of Article IV of the United States
9 Constitution protects popular sovereignty for all Americans by
10 guaranteeing a Republican form of government in each state; and

11 WHEREAS, The spirit of the United States Constitution is one
12 of humility. The framers had the foresight to recognize their own
13 human fallibility and provided the mechanism to amend and correct
14 the shortcomings of our original United States Constitution; and

15 WHEREAS, Americans have continued to pursue a more perfect
16 union as abolitionists, suffragists, and civil rights activists, and
17 have successfully amended the United States Constitution to
18 strengthen the protections provided to all Americans under the
19 law. In so doing, they render the moral resolve of our nation
20 stronger and clearer; and

21 WHEREAS, The original United States Constitution is on
22 display at the National Archives in Washington, D.C.; now,
23 therefore, be it

24 *Resolved by the Assembly of the State of California*, That the
25 Assembly hereby recognizes the week of September 17, 2022, to
26 September 24, 2022, inclusive, as Constitution Week to
27 commemorate the Constitution of the United States and to urge
28 all Californians to reflect on its importance to our nation; and be
29 it further

30 *Resolved*, That the Chief Clerk of the Assembly transmit copies
31 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 4, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 83 (Seyarto) – As Introduced January 26, 2022

SUBJECT: Constitution Week.

SUMMARY: Recognizes the week of September 17, 2022, to September 24, 2022, inclusive, as Constitution Week to commemorate the Constitution of the United States and to urge all Californians to reflect on its importance to our nation. Specifically, **this resolution** makes the following legislative findings:

- 1) The Constitutional Convention of 1787 was called to revise the Articles of Confederation, which failed to vest the federal government with the necessary powers to ensure the physical and financial security of the new nation. The delegates to the convention fiercely deliberated for 100 days with only 10 days of rest.
- 2) Despite the geographic, economic, and cultural differences that threatened to divide the United States in its infancy, the framers came to many compromises through open and civil discourse to secure and establish the country as we know it today.
- 3) The framers of the United States Constitution were especially concerned with limiting the power of government and securing the liberty of citizens through the doctrines of the separation of powers, checks and balances, and explicit guarantees of individual liberty.
- 4) Section 4 of Article IV of the United States Constitution protects popular sovereignty for all Americans by guaranteeing a Republican form of government in each state.
- 5) The original United States Constitution is on display at the National Archives in Washington, D.C.
- 6) September 17, 2022, will mark the 235th anniversary of the framing of the Constitution of the United States of America at the Constitutional Convention

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

House Resolution

No. 111

Introduced by Assembly Member Seyarto

May 24, 2022

House Resolution No. 111—Relative to Service Dog Appreciation Month.

1 WHEREAS, Service dogs are extraordinary animals that enable
2 their human companions to live their fullest lives; and

3 WHEREAS, The training and testing to become a service dog
4 is difficult and only 30%-50% of candidates are successful in
5 meeting the rigorous standards.

6 WHEREAS, California benefits from the assistance of K-9
7 officers, search and rescue dogs, and many other service dogs that
8 serve their communities; and

9 WHEREAS, Service dogs are trained to perform specific tasks
10 for people in their careers and everyday lives. They can be trained
11 to retrieve objects, assist with balance, give seizure or diabetic
12 alerts, or assist those with psychiatric disabilities; and

13 WHEREAS, Service dogs also serve our nation’s wounded
14 warriors suffering from conditions including post-traumatic stress
15 disorder and traumatic brain injury; and

16 WHEREAS, Studies have shown that these incredible animals
17 offer great benefits to their owners, including reduced anxiety,
18 lower blood pressure, and faster recovery from medical events;
19 and

20 WHEREAS, According to recent studies, approximately 80
21 million people are helped by service dogs. Though millions more
22 need service dogs, the wait time to get one averages about three
23 years.

1 WHEREAS, September is celebrated as National Service Dog
2 Month each year to honor the contribution skilled K-9 partners
3 offer their owners; now, therefore, be it
4 *Resolved by the Assembly of the State of California*, That the
5 Assembly hereby proclaims the month of September 2022 as
6 Service Dog Appreciation Month; and be it further
7 *Resolved*, That Californians are grateful for the service and
8 dedication these loyal companions provide for their owners and
9 communities; and be it further
10 *Resolved*, That the Chief Clerk of the Assembly transmit copies
11 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 4, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 111 (Seyarto) – As Introduced May 24, 2022

SUBJECT: Service Dog Appreciation Month.

SUMMARY: Proclaims the month of September 2022 as Service Dog Appreciation Month. Specifically, **this resolution** makes the following legislative findings:

- 1) Service dogs are extraordinary animals that enable their human companions to live their fullest lives.
- 2) California benefits from the assistance of K-9 officers, search and rescue dogs, and many other service dogs that serve their communities.
- 3) Service dogs are trained to perform specific tasks for people in their careers and everyday lives. They can be trained to retrieve objects, assist with balance, give seizure or diabetic alerts, or assist those with psychiatric disabilities.
- 4) Service dogs also serve our nation's wounded warriors suffering from conditions including post-traumatic stress disorder and traumatic brain injury.
- 5) Studies have shown that these incredible animals offer great benefits to their owners, including reduced anxiety, lower blood pressure, and faster recovery from medical events.
- 6) September is celebrated as National Service Dog Month each year to honor the contribution skilled K-9 partners offer their owners.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

House Resolution

No. 121

Introduced by Assembly Member Petrie-Norris

June 22, 2022

House Resolution No. 121—Relative to Overdose Awareness Week.

1 WHEREAS, Overdose Awareness Week is recognized by the
2 federal government of the United States of America in order to
3 address the overdose epidemic and enhance support for individuals
4 facing substance use disorder; and

5 WHEREAS, According to the Center for Disease Control and
6 Prevention in November of 2021, more than 100,000 Americans
7 died of drug overdoses during the year-long period that ended in
8 April of 2021; and

9 WHEREAS, The State Department of Public Health reported
10 5,502 deaths related to opioid overdose in 2020 in California; and

11 WHEREAS, The State Department of Public Health reported
12 nearly 15 million prescriptions for opioids in 2020 in California;
13 and

14 WHEREAS, Of the 1,500 people that died on the streets of Los
15 Angeles during the COVID-19 pandemic, 40 percent died due to
16 drug or alcohol overdose, according to the University of California
17 Los Angeles Luskin Institute; and

18 WHEREAS, Deaths involving drug overdose have increased
19 exponentially in the past 10 years, with fentanyl overdose deaths
20 increasing by 858 percent from 82 in 2012 to 786 in 2018; and

21 WHEREAS, Cocaine and psychostimulant-involved overdose
22 deaths disproportionately affect racial and ethnic minority groups;
23 now, therefore, be it

1 *Resolved by the Assembly of the State of California, That the*
2 Assembly recognizes the week of August 29, 2022, as Overdose
3 Awareness Week in order to commemorate those individuals who
4 have lost their lives due to overdose and to support the people and
5 their families currently struggling with substance use disorder; and
6 be it further
7 *Resolved, That the Chief Clerk of the Assembly transmit copies*
8 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 4, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 121 (Petrie-Norris) – As Introduced June 22, 2022

SUBJECT: Overdose Awareness Week.

SUMMARY: Recognizes the week of August 29, 2022, as Overdose Awareness Week to commemorate those individuals who have lost their lives due to overdose and to support the people and their families currently struggling with substance use disorder. Specifically, **this resolution** makes the following legislative findings:

- 1) Overdose Awareness Week is recognized by the federal government in order to address the overdose epidemic and enhance support for individuals facing substance use disorder.
- 2) According to the Center for Disease Control and Prevention in November of 2021, more than 100,000 Americans died of drug overdoses during the year-long period that ended in April of 2021.
- 3) The State Department of Public Health reported nearly 15 million prescriptions for opioids and 5,502 deaths related to opioid overdose in 2020 in California.
- 4) Of the 1,500 people that died on the streets of Los Angeles during the COVID-19 pandemic, 40 percent died due to drug or alcohol overdose, according to the University of California Los Angeles Luskin Institute.
- 5) Deaths involving drug overdose have increased exponentially in the past 10 years, with fentanyl overdose deaths increasing by 858 percent from 82 in 2012 to 786 in 2018.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

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California State Senate

ANTHONY J. PORTANTINO
SENATOR
TWENTY-FIFTH SENATE DISTRICT



COMMITTEES
APPROPRIATIONS
CHAIR
BANKING & FINANCIAL INSTITUTIONS
GOVERNMENTAL ORGANIZATION
INSURANCE

SELECT COMMITTEES
CALIFORNIA, ARMENIA & ARTSAKH
MUTUAL TRADE, ART, AND
CULTURAL EXCHANGE
CHAIR

July 27, 2022

The Honorable Ken Cooley, Chair
Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

RE: Urgency Clause Amendment Request for SB 918

Dear Chairman Cooley,

I respectfully request permission to amend Senate Bill 918 for an urgency clause. Attorney General Rob Bonta sponsors SB 918, which will implement various improvements to California's existing concealed carry weapon regime. The bill would also clean up outdated provisions and the erroneously omitted cross reference updates relating to the Dealer Record of Sale (DROS) fee, the supplemental fee, and the authority of Department of Justice (DOJ) in the regulation of the sale of firearm precursor parts and authorization to issue a firearm precursor part vendor license.

The Supreme Court, in the case of *New York Rifle and Pistol Association v. Bruen*, recently decided that licensing schemes requiring an applicant for a concealed carry license to show good cause (or something similar) to carry firearms are unconstitutional, necessitating a legislative response given California's current regulatory framework. An urgency clause is necessary to address implications from this court decision in California law as soon as possible.

If there are any questions or concerns regarding this request, please do not hesitate to contact me or my Legislative Director, Tara McGee, who can be reached at 916-651-4025 or Tara.McGee@sen.ca.gov.

Thank you for your attention to this matter,

ANTHONY J. PORTANTINO
Senator, 25th District

AMENDED IN ASSEMBLY JUNE 29, 2022

AMENDED IN ASSEMBLY JUNE 13, 2022

SENATE BILL

No. 918

Introduced by Senator Portantino

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

February 3, 2022

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, 26210, 26225, 26350, 26400, 29805, 30370, 30470, and 30485 of, and to add ~~Section 26162~~ Sections 25350, 26162, 26206, and 26230 to, the Penal Code, relating to firearms.

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 ~~the sheriff of a county, or the chief or other head of a municipal police department,~~ a licensing authority, as specified, if good cause exists for the issuance, and subject to certain other ~~criteria,~~ 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

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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. 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 a system designated by the department, 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 existing application. 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, 2022.

Under existing law, it is a crime to bring a firearm into a state or local building, the State Capitol 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. 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 any building, real property, or parking area under the control of an airport or passenger vessel terminal or a public transit facility, 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 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.

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.

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 ~~update cross references in those provisions.~~ make conforming changes.

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

The bill would state that its provisions are severable.

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. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

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

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
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.

1 (b) As an en banc panel of the Ninth Circuit recently recognized,
2 for more than 700 years, governments in both England and America
3 have regulated, and even prohibited, the carrying of firearms
4 capable of being concealed on a person in the populated places of
5 cities and towns, including public squares, parks, shopping centers,
6 government buildings, churches, schools, and markets. See *Young*
7 *v. Hawaii*, 922 F.3d 765, 813 (9th Cir. 2021) (en banc). The *While*
8 *the United States Supreme Court has made clear that the Second*
9 *Amendment to the United States Constitution imposes some*
10 *restrictions on states’ ability to regulate firearms, it has recognized*
11 *that the Second Amendment to the United States Constitution is*
12 *not a “regulatory straightjacket.”* *N.Y. State Rifle & Pistol Ass’n*
13 *v. Bruen* (2022), No. 20-843, slip op. p. 21. Indeed, the *Second*
14 *Amendment allows States to adopt a “‘variety’ of gun regulations.”*
15 *N.Y. State Rifle & Pistol Ass’n* (2022), slip op. 3 (Kavanaugh, J.,
16 concurring). And when it comes to restrictions on carrying firearms
17 in public, the United States Supreme Court has recognized three
18 times that states may restrict the carrying of firearms in “sensitive
19 places,” places.” *N.Y. State Rifle & Pistol Ass’n v. Bruen* (2022),
20 slip op. p. 21; see also *McDonald v. City of Chicago* (2010) 561
21 U.S. 742, 786; *District of Columbia v. Heller* (2008) 554 U.S. 570,
22 626 and that nothing in the Second Amendment to the United
23 States Constitution prohibits states from adopting “reasonable
24 firearms regulations,” *McDonald v. City of Chicago, Ill.* (2010)
25 561 U.S. 742, 784: 626. It has also recognized that states may
26 prohibit individuals who are not “law-abiding, responsible
27 citizens” from carrying firearms in public. *N.Y. State Rifle & Pistol*
28 *Ass’n v. Bruen* (2022), slip op. 30 n.9.

29 (c) Over the past several years, a wealth of empirical studies
30 have shown that crime is higher when more people carry firearms
31 in public places. While California and other states have decided
32 to limit the places and conditions under which residents may carry
33 firearms, over the past several decades other states have decided
34 to allow most people to carry firearms in most public places. Those
35 later states have seen markedly higher crime rates. According to
36 one study, in the 33 states that adopted these “right-to-carry” laws,
37 violent crime was substantially higher—13 to 15 percent
38 higher—10 years after the laws were adopted than it would have
39 been, had those states not adopted those laws. See Donohue, et al.,
40 “Right-to-Carry” Laws and Violent Crime: A Comprehensive

1 Assessment Using Panel Data and a State-Level Synthetic Control
2 Analysis (2019) 16 J. Empirical Legal Stud. 198. That same study
3 acknowledged that crime had dropped in both “Right-to-Carry”
4 states and other states over the past several decades, but concluded
5 that the violent crime reduction in states that did not adopt
6 “Right-to-Carry” laws was an order of magnitude higher than those
7 that did—a 42.3 percent drop in violent crime for those states that
8 did not adopt “Right-to-Carry” laws compared to just a 4.3 percent
9 drop for those that did.

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

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) States with permissive “right-to-carry” laws also witness
12 higher rates of firearm workplace homicides than those that did
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) 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—“[i]f further headway is to be made.” Nat'l Research
37 Council, Firearms and Violence: A Critical Review (2005) 272,
38 275.

39 (h) Since that time a number of social scientists have taken up
40 the National Research Council's call. Those studies

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) 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 McMahan-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

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
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

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) 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,*
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.*

16 ~~(j)~~
17 *(k) Laws requiring a suitability standard for an assessment of*
18 *dangerousness in connection with obtaining firearms have saved*
19 *lives. One study concluded that since California’s gun violence*
20 *restraining order process—which allows family members and law*
21 *enforcement to petition a court for an order temporarily prohibiting*
22 *a person from purchasing or possessing firearms, if a court finds*
23 *that the person is a danger to themselves or others—took effect in*
24 *January 2016, there have been 21 instances in which the statute*
25 *was used to prevent a mass shooting. Wintemute, et al., Extreme*
26 *Risk Protection Orders Intended to Prevent Mass Shootings, 171*
27 *Annals of Internal Med. (2019) 655, 655-658. According to another*
28 *study, 56 percent of mass shooters exhibited warning signs that*
29 *they posed a risk to themselves or others before they carried out*
30 *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, Serv., Nat’l Threat Assessment Ctr,*
36 *Ctr., Protecting America’s Schools: A US U.S. Secret Service*
37 *Analysis of Targeted School Violence 43 (2019).*

38 ~~(k)~~
39 *(l) Broad public carry laws also impede the ability of law*
40 *enforcement to ensure the public’s safety. For example, laws*

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
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~~, *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 ~~he or she is~~ *they are* actually engaged in assisting the
38 officer.

39 (B) Notwithstanding subparagraph (A), subdivision (a) shall
40 apply to any person who brings or possesses any weapon specified

1 therein within any courtroom if ~~he or she is~~ *they are* a party to an
 2 action pending before the court.

3 ~~(3) A person holding a valid license to carry the firearm pursuant~~
 4 ~~to Chapter 4 (commencing with Section 26150) of Division 5 of~~
 5 ~~Title 4 of Part 6.~~

6 ~~(4)~~

7 (3) 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.

10 ~~(5)~~

11 (4) 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.

15 ~~(6)~~

16 (5) 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).

22 ~~(7)~~

23 (6) (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.

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:*

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~~, *gun* as defined in Section 244.5.

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.

7 (b) Subdivision (a) shall not apply to, or affect, ~~any of the~~
 8 ~~following:~~

9 ~~(1) A~~ a duly appointed peace officer as defined in Chapter 4.5
 10 (commencing with Section 830) of Title 3 of Part 2, a retired peace
 11 officer with authorization to carry concealed weapons as described
 12 in Article 2 (commencing with Section 25450) of Chapter 2 of
 13 Division 5 of Title 4 of Part 6, a full-time paid peace officer of
 14 another state or the federal government who is carrying out official
 15 duties while in California, or any person summoned by any of
 16 these officers to assist in making arrests or preserving the peace
 17 while that person is actually engaged in assisting the officer.

18 ~~(2) A person holding a valid license to carry the firearm pursuant~~
 19 ~~to Chapter 4 (commencing with Section 26150) of Division 5 of~~
 20 ~~Title 4 of Part 6, and who has permission granted by the Chief~~
 21 ~~Sergeants at Arms of the State Assembly and the State Senate to~~
 22 ~~possess a concealed weapon upon the premises described in~~
 23 ~~subdivision (a).~~

24 ~~(3) A person who has permission granted by the Chief Sergeants~~
 25 ~~at Arms of the State Assembly and the State Senate to possess a~~
 26 ~~weapon upon the premises described in subdivision (a).~~

27 (c) (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. 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

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 ~~he or she is~~ *they are* actually
5 engaged in assisting the officer, a member of the military forces
6 of this state or of the United States engaged in the performance of
7 ~~his or her~~ *their* duties, a person holding a valid license to carry the
8 ~~firearm pursuant to Chapter 4 (commencing with Section 26150)~~
9 ~~of Division 5 of Title 4 of Part 6~~, the Governor or a member of ~~his~~
10 ~~or her~~ *their* immediate family or a person acting with ~~his or her~~
11 *their* permission with respect to the Governor's Mansion or any
12 other residence of the Governor, any other constitutional officer
13 or a member of ~~his or her~~ *their* immediate family or a person acting
14 with ~~his or her~~ *their* permission with respect to the officer's
15 residence, or a Member of the Legislature or a member of ~~his or~~
16 ~~her~~ *their* immediate family or a person acting with ~~his or her~~ *their*
17 permission with respect to the Member's residence, shall be
18 punished by imprisonment in a county jail for not more than one
19 year, by fine of not more than one thousand dollars (\$1,000), or
20 by both the fine and imprisonment, or by imprisonment pursuant
21 to subdivision (h) of Section 1170, if ~~he or she does any~~ *they do*
22 *either* of the following:

23 (a) Brings a loaded firearm into, or possesses a loaded firearm
24 within, the Governor's Mansion, or any other residence of the
25 Governor, the residence of any other constitutional officer, or the
26 residence of any Member of the Legislature.

27 (b) Brings a loaded firearm upon, or possesses a loaded firearm
28 upon, the grounds of the Governor's Mansion or any other
29 residence of the Governor, the residence of any other constitutional
30 officer, or the residence of any Member of the Legislature.

31 *SEC. 5. 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.

1 (3) ~~“Sterile area” means a portion of an airport defined in the~~
 2 ~~airport security program to which access generally is controlled~~
 3 ~~through the screening of persons and property, as specified in~~
 4 ~~Section 1540.5 of Title 49 of the Code of Federal Regulations, or~~
 5 ~~a portion of any passenger vessel terminal to which, pursuant to~~
 6 ~~the requirements set forth in Sections 105.255(a)(1), 105.255(c)(1),~~
 7 ~~and 105.260(a) of Title 33 of the Code of Federal Regulations;~~
 8 ~~access is generally controlled in a manner consistent with the~~
 9 ~~passenger vessel terminal’s security plan and the MARSEC level~~
 10 ~~in effect at the time.~~

11 (b) It is unlawful for any person to knowingly ~~possess, within~~
 12 ~~any sterile area of an airport or a passenger vessel terminal,~~ *possess*
 13 *any of the items listed in subdivision (e): (c) in any building, real*
 14 *property, or parking area under the control of an airport or*
 15 *passenger vessel terminal.*

16 (c) The following items are unlawful to possess as provided in
 17 subdivision (b):

18 (1) Any firearm.

19 (2) 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) Any box cutter or straight razor.

23 (4) Any metal military practice hand grenade.

24 (5) Any metal replica hand grenade.

25 (6) Any plastic replica hand grenade.

26 (7) Any imitation firearm as defined in Section 417.4.

27 (8) Any frame, receiver, barrel, or magazine of a firearm.

28 (9) Any unauthorized tear gas weapon.

29 (10) Any taser or stun ~~gun,~~ *gun* as defined in Section 244.5.

30 (11) 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) Any ammunition as defined in Section 16150.

34 (d) Subdivision (b) shall not apply to, or affect, any of the
 35 following:

36 (1) A duly appointed peace ~~officer,~~ *officer* as defined in Chapter
 37 4.5 (commencing with Section 830) of Title 3 of Part 2, a retired
 38 peace officer with authorization to carry concealed weapons as
 39 described in Article 2 (commencing with Section 25450) of Chapter
 40 2 of Division 5 of Title 4 of Part 6, a full-time paid peace officer

1 of another state or the federal government who is carrying out
2 official duties while in California, or any person summoned by
3 any of these officers to assist in making arrests or preserving the
4 peace while ~~he or she is~~ *they are* actually engaged in assisting the
5 officer.

6 (2) A person who has authorization to possess a weapon
7 specified in subdivision (c), granted in writing by an airport
8 security coordinator who is designated as specified in Section
9 1542.3 of Title 49 of the Code of Federal Regulations, and who is
10 responsible for the security of the airport.

11 (3) A person, including an employee of a licensed contract guard
12 service, who has authorization to possess a weapon specified in
13 subdivision (c) granted in writing by a person discharging the
14 duties of Facility Security Officer or Company Security Officer
15 pursuant to an approved United States Coast Guard facility security
16 plan, and who is responsible for the security of the passenger vessel
17 terminal.

18 (e) 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 (f) 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 (g) Nothing in this section is intended to affect existing state or
28 federal law regarding the transportation of firearms on airplanes
29 in checked ~~luggage, or the possession of the items listed in~~
30 ~~subdivision (c) in areas that are not “sterile areas.”~~ *luggage.*

31 *SEC. 6. Section 171.7 of the Penal Code is amended to read:*

32 171.7. (a) For purposes of this section:

33 (1) “Public transit facility” means any land, building, or
34 equipment, or any interest therein, including any station on a public
35 transportation route, to which access is controlled in a manner
36 consistent with the public transit authority’s security plan, whether
37 or not the operation thereof produces revenue, that has as its
38 primary purpose the operation of a public transit system or the
39 providing of services to the passengers of a public transit system.
40 A public transit system includes the vehicles used in the system,

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.

4 ~~(2) “Sterile area” means any portion of a public transit facility~~
 5 ~~that is generally controlled in a manner consistent with the public~~
 6 ~~transit authority’s security plan.~~

7 ~~(3)~~

8 (2) “Firearm” has the same meaning as specified in subdivision
 9 ~~(a)~~ subdivisions (a) and (b) of Section 16520.

10 (b) It is unlawful for any person to knowingly possess ~~within~~
 11 ~~any sterile area of a public transit facility any of the following, if~~
 12 ~~the sterile area is posted with a statement providing reasonable~~
 13 ~~notice that prosecution may result from possession of these items:~~
 14 *any of 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, ~~officer~~ as defined in Chapter
 29 4.5 (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

1 preserving the peace while ~~he or she is~~ *they are* actually engaged
2 in assisting 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).

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 ~~25655~~;
13 ~~25650~~, 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. 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~~, *zone*
36 as defined in paragraph (4) of subdivision (e), shall be punished
37 as specified in subdivision (f).

38 (c) Subdivision (b) does not apply to the possession of a firearm
39 under any of the following circumstances:

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.

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

8 ~~This section does not prohibit or limit the otherwise lawful~~
9 ~~transportation of any other firearm, other than a pistol, revolver,~~
10 ~~or other firearm capable of being concealed on the person, in~~
11 ~~accordance with state law.~~

12 ~~(3)~~

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

25 ~~(4)~~

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

29 ~~(5)~~

30 (4) 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, or on the grounds of,~~ *in 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.

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 ~~zone~~ 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.

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 ~~he or~~
17 ~~she~~ *they* be imprisoned in a county jail for not less than three
18 months.
19 (2) A person convicted under this section of a felony violation
20 of subdivision (b) or (d) who has been convicted previously of a
21 misdemeanor offense enumerated in Section 23515, if probation
22 is granted or if the execution of sentence is suspended, it shall be
23 a condition thereof that ~~he or she~~ *they* be imprisoned in a county
24 jail for not less than three months.
25 (3) A person convicted under this section for a felony violation
26 of subdivision (b) or (d) who has been convicted previously of any
27 felony, or of any crime made punishable by any provision listed
28 in Section 16580, if probation is granted or if the execution or
29 imposition of sentence is suspended, it shall be a condition thereof
30 that ~~he or she~~ *they* be imprisoned in a county jail for not less than
31 three months.
32 (4) The court shall apply the three-month minimum sentence
33 specified in this subdivision, except in unusual cases where the
34 interests of justice would best be served by granting probation or
35 suspending the execution or imposition of sentence without the
36 minimum imprisonment required in this subdivision or by granting
37 probation or suspending the execution or imposition of sentence
38 with conditions other than those set forth in this subdivision, in
39 which case the court shall specify on the record and shall enter on

1 the minutes the circumstances indicating that the interests of justice
2 would best be served by this disposition.

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, ~~his or her~~ *their* designee, or equivalent
10 university or college authority, shall be punished by imprisonment
11 pursuant to subdivision (h) of Section 1170 for two, three, or four
12 years. Notwithstanding subdivision (k), a university or college
13 shall post a prominent notice at primary entrances on
14 noncontiguous property stating that firearms are prohibited on that
15 property pursuant to 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, ~~his or her~~ *their* designee, or equivalent university or
23 college 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

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
3 California, any person summoned by any of these officers to assist
4 in making arrests or preserving the peace while ~~he or she is~~ *they*
5 *are* actually engaged in assisting the officer, a member of the
6 military forces of this state or of the United States who is engaged
7 in the performance of ~~his or her~~ *their* duties, or an armored vehicle
8 guard, engaged in the performance of ~~his or her~~ *their* duties, *their duties*
9 as defined in subdivision (d) of Section 7582.1 of the Business
10 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. Section 25350 is added to the Penal Code, to read:*

39 *25350. If any section, subdivision, paragraph, subparagraph,*
40 *sentence, clause, or phrase of any provision in this division is for*

1 *any reason held unconstitutional, that decision does not affect the*
2 *validity of any other provision in the division. The Legislature*
3 *hereby declares that it would have passed the provisions listed in*
4 *this division and each chapter, section, subdivision, paragraph,*
5 *subparagraph, sentence, clause, and phrase of those provisions*
6 *irrespective of the fact that any one or more other sections,*
7 *subdivisions, paragraphs, subparagraphs, sentences, clauses, or*
8 *phrases be declared unconstitutional.*

9 *SEC. 9. Section 25610 of the Penal Code is amended to read:*

10 25610. ~~(a)~~ Section 25400 shall not be construed to prohibit
11 any citizen of the United States over the age of 18 years who
12 resides or is temporarily within this state, and who is not prohibited
13 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
16 ~~person~~, *person for any purpose specified in Sections 25510 to*
17 *25595, inclusive, provided that either of the following applies to*
18 *the firearm:*

19 ~~(1)~~

20 (a) The firearm is *unloaded*, within a motor-~~vehicle~~ *vehicle*, and
21 ~~it is~~ locked in the vehicle's trunk or in a locked container in the
22 vehicle.

23 ~~(2)~~

24 (b) The firearm is *unloaded*, carried by the person directly to
25 or from any motor-~~vehicle~~ *for any lawful purpose vehicle*, and,
26 while carrying the firearm, the firearm is contained within a locked
27 container.

28 ~~(b)~~ ~~The provisions of this section do not prohibit or limit the~~
29 ~~otherwise lawful carrying or transportation of any pistol, revolver,~~
30 ~~or other firearm capable of being concealed upon the person in~~
31 ~~accordance with the provisions listed in Section 16580.~~

32 *SEC. 10. 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, city and county*, or in any public place or
37 on any public street in a prohibited area-~~of in an~~ *unincorporated*
38 ~~territory~~. *area of a 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

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)
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 owner of the handgun,
32 by imprisonment pursuant to subdivision (h) of Section 1170, or
33 by imprisonment in a county jail not to exceed one year, or by a
34 fine not to exceed one thousand dollars (\$1,000), or both that fine
35 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.

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
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

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 owner of that handgun.

5 ~~SEC. 2.~~

6 *SEC. 11.* 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 ~~may shall~~
10 issue *or renew* a license to that person upon proof of all of the
11 following:

12 (1) The applicant is ~~of good moral character.~~ *a qualified person*
13 *to receive such a license, as determined in accordance with the*
14 *standards set forth in Section 26202.*

15 (2) ~~Good cause exists for issuance of the license.~~ *The applicant*
16 *is at least 21 years of age.*

17 (3) The applicant is a resident of the county or a city within the
18 county, or the applicant’s principal place of employment or
19 business is in the county or a city within the county and the
20 applicant spends a substantial period of time in that place of
21 employment or business.

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 ~~capable of being~~
26 ~~concealed upon the person.~~ *for which the license will be issued.*

27 (b) The sheriff ~~may shall~~ issue *or renew* a license under
28 subdivision (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.

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.

6 ~~SEC. 3.~~

7 *SEC. 12.* 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 city and county ~~may~~
12 *shall issue or renew* a license to that person upon proof of all of
13 the following:

14 (1) ~~The applicant is of good moral character.~~ *a qualified person*
15 *to receive such a license, as determined in accordance with the*
16 *standards set forth in Section 26202.*

17 (2) ~~Good cause exists for issuance of the license.~~ *The applicant*
18 *is at least 21 years of age.*

19 (3) ~~The applicant is a resident of that city.~~ *city or city and*
20 *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 ~~capable of being~~
25 ~~concealed upon the person.~~ *for which the license will be issued.*

26 (b) The chief or other head of a municipal police department
27 ~~may shall~~ *shall issue or renew* a license under subdivision (a) in either
28 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 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.

1 ~~SEC. 4.~~

2 *SEC. 13.* Section 26162 is added to the Penal Code, to read:

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 ~~system designated by the~~ *designated*
 6 Department of Justice *system* shall determine if the applicant is
 7 the recorded owner of the particular pistol, revolver, or other
 8 firearm capable of being concealed upon the person reported in
 9 the application for a license or the application for the amendment
 10 to a license under this article.

11 (b) ~~Agencies~~ *An agency* with direct access to the ~~system~~
 12 ~~designated by the~~ *designated* Department of Justice *system* shall
 13 confirm the applicant’s information with firearm ownership
 14 maintained in the system. ~~Any~~ *An* agency without access to the
 15 system shall confirm this information with the sheriff of the county
 16 in which the agency is located.

17 *SEC. 14.* 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 criteria:

22 (1) The course shall be no less than ~~eight hours, but shall not~~
 23 ~~be required to exceed~~ 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.

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.*

38 ~~(3)~~

39 (6) The course shall include live-fire shooting exercises on a
 40 firing range and shall include a demonstration by the applicant of

1 safe handling of, and shooting proficiency with, each firearm that
2 the applicant is applying to be licensed to carry.

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 ~~four~~ *eight* hours, and shall satisfy the requirements of
16 paragraphs (2) ~~and (3)~~ *to (6), inclusive*, of subdivision (a). No
17 course of training shall be required for any person certified by the
18 licensing authority as a trainer for purposes of this section, in order
19 for that person to renew a license issued pursuant to this article.

20 (e) The applicant shall not be required to pay for any training
21 courses prior to the determination of ~~good cause~~ *whether the*
22 *applicant is a qualified person* being made pursuant to Section
23 26202.

24 ~~SEC. 5.~~

25 *SEC. 15.* 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, ~~may~~ *shall* issue to an applicant a
29 *new license or license renewal* to carry concealed a pistol, revolver,
30 or other firearm capable of being concealed upon the person:

31 (1) The applicant is ~~of good moral character.~~ *a qualified person*
32 *to receive such a license, as determined in accordance with the*
33 *standards set forth in Section 26202.*

34 (2) ~~Good cause exists for issuance of the license.~~ *The applicant*
35 *is at least 21 years of age.*

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.

1 (4) The applicant is the recorded owner, with the Department
2 of Justice, of the pistol, revolver, or other firearm ~~capable of being~~
3 ~~concealed upon the person.~~ *for which the license will be issued.*

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.

13 ~~SEC. 6.~~

14 *SEC. 16.* Section 26175 of the Penal Code is amended to read:

15 26175. (a) (1) Applications for licenses and applications for
16 amendments to licenses under this article shall be uniform
17 throughout the state, upon forms to be prescribed by the Attorney
18 General.

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. ~~The committee shall meet for this purpose if two of the~~
25 ~~committee's members deem that necessary.~~ *If the committee does*
26 *not release a revised application form by September 1, 2022, the*
27 *Attorney General has the sole authority to revise the standard*
28 *application form for licenses. After the initial revised application*
29 *is issued, if one of the committee's members concludes that further*
30 *revisions are necessary, that member shall notify the other*
31 *members of the committee, and the committee shall revise the*
32 *application within three months of the notification. If the committee*
33 *fails to release a revised application within that time, the Attorney*
34 *General has the sole authority to revise the standard application*
35 *form for 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.

39 (B) The Attorney General shall approve the use of licenses
40 issued by local agencies that contain all the information required

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). ~~The committee shall~~
18 ~~meet for this purpose if two of the committee's members deem it~~
19 ~~necessary.~~ *If the committee does not issue a design standard by*
20 *September 1, 2022, the Attorney General has the sole authority to*
21 *set the design standard for licenses issued by local agencies that*
22 *may be used as indicia of proof of licensure throughout the state,*
23 *provided that the design standard meets the requirements of*
24 *subparagraph (B). After the initial design standard is issued, if*
25 *one of the committee's members concludes that further revisions*
26 *are necessary, that member shall notify the other members of the*
27 *committee, and the committee shall revise the design standard*
28 *within three months of the notification. If the committee fails to*
29 *release a design standard within that time, the Attorney General*
30 *has the sole authority to revise the standard application form for*
31 *licenses.*

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

35 (c) The standard application form for licenses described in
36 subdivision (a) shall require information from the applicant,
37 including, but not limited to, the name, occupation, residence, and
38 business address of the applicant, the applicant's age, height,
39 weight, color of eyes and hair, ~~and reason for desiring a license to~~
40 ~~carry the weapon.~~ *the applicant's prior arrests and criminal*

1 *convictions, whether the applicant has been the subject of an order*
2 *listed in paragraph (3) of subdivision (a) of Section 26202, whether*
3 *any licensing authority in this state or elsewhere has previously*
4 *denied the applicant a license to carry a firearm or revoked such*
5 *a license for any reason, names and contact information of three*
6 *persons willing to serve as references for the applicant, at least*
7 *one of whom must be a person described in subdivision (b) of*
8 *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.

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.

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 license issued upon the application shall set forth the
32 licensee's full name, driver's license or identification number,
33 occupation, residence and business address, the licensee's date of
34 birth, height, weight, color of eyes and hair, and indicate the type
35 of license issued as it relates to Section 26220, including the license
36 issuance and expiration date, and shall, in addition, contain the
37 licensee's ~~fingerprints~~ *fingerprints, a picture of the licensee*, and
38 a description of the weapon or weapons authorized to be carried,
39 detailing the name of the manufacturer, the model, the serial

1 number, and the caliber. The license issued to the licensee may be
2 laminated.

3 ~~SEC. 7.~~

4 *SEC. 17.* Section 26185 of the Penal Code is amended to read:

5 26185. (a) (1) The fingerprints of each applicant shall be taken
6 and two copies on forms prescribed by the Department of Justice
7 shall be forwarded to the department.

8 (2) Upon receipt of the fingerprints and the fee as prescribed in
9 Section 26190, the department shall promptly furnish the
10 forwarding licensing authority a report of all data and information
11 pertaining to any applicant of which there is a record in its office,
12 including information as to whether the person is prohibited by
13 state or federal law from possessing, receiving, owning, or
14 purchasing a firearm. *If the department is unable to ascertain the*
15 *final disposition of an arrest or criminal charge, the outcome of*
16 *the mental health treatment or evaluation, or the purchaser's*
17 *eligibility to possess, receive, own, or purchase a firearm, the*
18 *department shall notify the licensing authority.*

19 (3) No *new license or license renewal* shall be issued by any
20 licensing authority ~~until after receipt of the report from the~~
21 ~~department.~~ *unless the report described in paragraph (2) confirms*
22 *the applicant's eligibility to possess, receive, own, or purchase a*
23 *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, the licensing authority shall
27 collect the applicant's fingerprint that would provide positive
28 identification in the files of the Department of Justice on the copy
29 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 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.

38 *SEC. 18.* 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

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, to the Department
11 of Justice.

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 *license or a license renewal*, issuing the license, and enforcing the
16 license, including any required notices, excluding fingerprint and
17 training costs, and shall transmit the additional fee, if any, to the
18 city, city and county, or county treasury.

19 (2) The first ~~20~~ 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.

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

27 ~~(d)~~

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.

31 ~~(e)~~

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 ~~ten dollars (\$10), for~~
35 ~~processing the amended license: twenty dollars (\$20).~~

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.

1 ~~(f)~~

2 ~~(e)~~ (1) If psychological testing on the initial application is
3 required by the licensing authority, the license applicant shall be
4 referred to a licensed psychologist used by the licensing authority
5 for the psychological testing of its own employees. The applicant
6 may be charged for the actual cost of the testing in an amount not
7 to exceed ~~one hundred fifty dollars (\$150)~~. *two hundred dollars*
8 *(\$200), which may be increased at a rate not to exceed any*
9 *increase in the California Consumer Price Index as compiled and*
10 *reported by the Department of Industrial Relations.*

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 ~~one hundred~~
15 ~~fifty dollars (\$150)~~. *two hundred dollars (\$200), which may be*
16 *increased at a rate not to exceed any increase in the California*
17 *Consumer Price Index as compiled and reported by the Department*
18 *of Industrial Relations.*

19 ~~(g) Except as authorized pursuant to this section, a requirement,~~
20 ~~charge, assessment, fee, or condition that requires the payment of~~
21 ~~any additional funds by the applicant, or requires the applicant to~~
22 ~~obtain liability insurance, may not be imposed by any licensing~~
23 ~~authority as a condition of the application for a license.~~

24 *SEC. 19. Section 26195 of the Penal Code is amended to read:*

25 26195. (a) A license under this article shall not be issued if
26 the Department of Justice determines that the person is prohibited
27 by state or federal law from possessing, receiving, owning, or
28 purchasing a firearm.

29 (b) (1) A license under this article shall be revoked by the local
30 licensing authority if at any time either the local licensing authority
31 *determines or* is notified by the Department of Justice ~~that a of any~~
32 *of the following:*

33 (A) A licensee is prohibited by state or federal law from owning
34 or purchasing firearms, ~~or the local licensing authority determines~~
35 ~~that the person is prohibited by state or federal law from possessing,~~
36 ~~receiving, owning, or purchasing a firearm.~~ *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.*

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. Section 26200 of the Penal Code is amended to read:

17 26200. (a) ~~A~~ While carrying a firearm as authorized by a
 18 license issued pursuant to this article may include any reasonable
 19 restrictions or conditions that the issuing authority deems
 20 warranted, including restrictions as to the time, place, manner, and
 21 circumstances under which the licensee may carry a pistol,
 22 revolver, or other firearm capable of being concealed upon the
 23 person. article, 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.

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.

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.

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.

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
7 concealed upon the person.

8 ~~(b)~~

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

11 (d) A licensee authorized to carry a firearm pursuant to this
12 chapter shall not carry more than two firearms under the licensee's
13 control at one time.

14 SEC. 21. 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
17 be a qualified person to receive or renew a license pursuant to
18 Section 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.

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:

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.

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.

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

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 incarcerated in county jail*
4 *for, or on probation as a result of, a conviction of an offense that*
5 *involves controlled substances or alcohol.*
6 *(8) Is currently abusing controlled substances or alcohol.*
7 *(9) Has experienced the loss or theft of a firearm due to the*
8 *applicant’s lack of compliance with federal, state, or local law or*
9 *failure to exercise reasonable care in storing, transporting, or*
10 *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 (e) 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 *(c).*
26 *(c) In determining whether an applicant is a qualified person*
27 *to receive or renew a license in accordance with this section, the*
28 *licensing authority shall conduct an investigation that meets all*
29 *of the following minimum requirements:*
30 *(1) An in-person interview with the applicant.*
31 *(2) Interviews with at least three character references, at least*
32 *one of whom must be a person described in subdivision (b) of*
33 *Section 273.5, if applicable, and at least one of whom must be the*
34 *applicant’s cohabitant, if applicable.*
35 *(3) A review of publicly available information about the*
36 *applicant, including publicly available statements published or*
37 *posted by the applicant.*
38 *(d) In determining whether an applicant is a qualified person*
39 *to receive or renew a license, nothing in this section precludes the*
40 *licensing authority from relying on factors other than those listed*

1 *in subdivision (a) or (b) or from engaging in investigative efforts*
2 *in addition to those listed in subdivision (c).*

3 *(e) Upon making the determination of good cause whether an*
4 *applicant is a qualified person pursuant to Section 26150 or 26155,*
5 *Section 26150, 26155, or 26170, the licensing authority shall give*
6 *written notice to the applicant of the licensing authority’s*
7 *determination. If the licensing authority determines that good cause*
8 *exists, the applicant is a qualified person, the notice shall inform*
9 *the applicants applicant to proceed with the training requirements*
10 *specified in Section 26165. If the licensing authority determines*
11 *that good cause does not exist, the applicant is not a qualified*
12 *person, the notice shall inform the applicant that the request for a*
13 *license has been denied and shall denied, state the reason from the*
14 *department’s published policy, described in Section 26160, as to*
15 *why the determination was made. made, and inform the applicant*
16 *that they may request a hearing from a court, as outlined in Section*
17 *26206. A licensing authority providing notice under this*
18 *subdivision informing the applicant that the request for a license*
19 *has been denied satisfies the requirement to provide notice of a*
20 *denial of a license pursuant to Section 26205.*

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 required under*
27 *subdivision (e) of Section 26202 or paragraph (3) of subdivision*
28 *(b) of Section 26195, stating the reason as to why the determination*
29 *was made and also inform the applicant that they may request a*
30 *hearing from a court, as provided in this section, to review the*
31 *denial or revocation. The licensing authority shall provide the*
32 *applicant with a copy of the most recent “Request for Hearing to*
33 *Challenge Qualified Person Determination” form prescribed by*
34 *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*

1 *Person Determination” form is deemed to be a local form expressly*
2 *exempt from the requirements of the Administrative Procedure Act*
3 *(Chapter 3.5 (commencing with Section 11340) of Part 1 of*
4 *Division 3 of Title 2 of the Government Code).*

5 *(c) An applicant shall have 30 days after the receipt of the notice*
6 *of denial required under subdivision (e) of Section 26202 or the*
7 *notice of revocation required under paragraph (3) of subdivision*
8 *(b) of Section 26195 to request a hearing to review the denial or*
9 *revocation from the superior court of their county of residence.*
10 *The request for hearing shall be made on the “Request for Hearing*
11 *to Challenge Qualified Person Determination” form prescribed*
12 *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*
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*
19 *request for a hearing, the department shall file copies of the*
20 *applicant’s criminal history report described in this section with*
21 *the superior court under seal, and the licensing authority shall*
22 *file any records or reports on which it relied in denying or revoking*
23 *the license at issue with the superior court. The licensing authority*
24 *may also, or instead, file a declaration that summarizes the*
25 *information it relied upon in denying or revoking the license at*
26 *issue. The reports filed by the department and the licensing*
27 *authority shall be disclosed to the person and to the district*
28 *attorney upon request. The court, upon motion of the applicant*
29 *establishing that confidential information is likely to be discussed*
30 *during the hearing that would cause harm to the person, shall*
31 *conduct the hearing in camera, with only the relevant parties*
32 *present, unless the court finds that the public interest would be*
33 *better served by conducting the hearing 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.*

1 (3) Notwithstanding any other law, declarations, police reports,
2 including criminal history information, and any other material
3 and relevant evidence that is not excluded under Section 352 of
4 the Evidence Code shall be admissible at the hearing under this
5 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 in accordance with subdivision (e) 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.
19 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. A copy of the
25 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
30 application for a license no sooner than two years from the date
31 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.

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
 4 the standards set forth in Section 26202, the licensing authority
 5 shall provide the applicant with the notice required under Section
 6 26205 or paragraph (3) of subdivision (b) of Section 26195, as
 7 applicable, and inform the applicant that they may apply to the
 8 superior court of the county in which they reside for a writ of
 9 mandate pursuant to Section 1085 of the Code of Civil Procedure.

10 The application for writ of mandate shall be made within 30 days
 11 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 has a change of
 14 address, the license shall be amended to reflect the new address
 15 and a new license shall be issued pursuant to subdivision (b) of
 16 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.

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.

35 ~~SEC. 8.~~

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.

1 (3) The issuance of a license.

2 (4) The amendment of a license.

3 (5) The revocation of a license.

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, inclusive,*
22 *and any statutory provisions referenced therein. The adoption of*
23 *emergency regulations shall be deemed to be an emergency and*
24 *necessary for the immediate preservation of the public peace,*
25 *health and safety, or general welfare for purposes of Sections*
26 *11346.1 and 11349.6 of the Government Code. Emergency*
27 *regulations adopted pursuant to this section shall be exempt from*
28 *review by the Office of Administrative Law. The regulations*
29 *adopted pursuant to this section shall not be repealed by the Office*
30 *of Administrative Law and shall remain in effect until revised or*
31 *repealed by the Department of Justice.*

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,*
34 *revolver, or other firearm capable of being concealed upon the*
35 *person pursuant to Section 26150, 26155, or 26170 shall not carry*
36 *a 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*
40 *of a building under the control of a preschool or childcare facility.*

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.*

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.*

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*
28 *whole or in part with public funds, and a building, real property,*
29 *or 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*
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*

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
8 areas, provided this prohibition shall not apply to a licensee who
9 must walk through such a place in order to access their residence,
10 place 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
30 form of gambling device, or lotteries, other than the California
31 State Lottery, are or will be played.

32 (16) A stadium, arena, or the real property or parking area
33 under the control of a stadium, arena, or a collegiate or
34 professional sporting or eSporting event.

35 (17) A building, real property, or parking area under the control
36 of a public library.

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.

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
18 of 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.

35 (b) Notwithstanding subdivision (a), a licensee may transport
36 a firearm and ammunition within their vehicle so long as the
37 firearm is locked in a lock box, as defined in subdivision (y) of
38 Section 4082 of Title 11 of the California Code of Regulations,
39 and the lock box is a firearm safety device, as defined in Section

1 16540, that is listed on the department's Roster of Firearm Safety
2 Devices Certified for Sale pursuant to Sections 23650 and 23655.

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.

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.

17 (d) 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
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) Nothing in this section shall prohibit the carrying of a
27 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 ~~his or her~~ their
31 person an exposed and unloaded handgun outside a vehicle while
32 in or on ~~any~~ 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.

37 ~~(C) A public place in a prohibited area of a county or city and~~
38 ~~county.~~

39 (2) A person is guilty of openly carrying an unloaded handgun
40 when that person carries an exposed and unloaded handgun inside

1 or on a vehicle, whether or not on ~~his or her~~ *their* person, while in
 2 or on ~~any~~ *either* 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.

7 ~~(C) A public place in a prohibited area of a county or city and~~
 8 ~~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.

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 ~~his or her~~ *their*
 36 person an unloaded firearm that is not a handgun outside a vehicle
 37 while in ~~any~~ *either* of the following areas:

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

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.

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*

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.

25 (c) 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.

37 ~~SEC. 9.~~

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

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
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.

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
 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.

29 ~~SEC. 10.~~

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 (c) of
 38 Section 30452, the following persons are authorized to purchase
 39 firearm precursor parts:

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 (c).

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
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

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.

24 ~~SEC. 11.~~

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
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

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. 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.*

16 *SEC. 33. No reimbursement is required by this act pursuant*
17 *to Section 6 of Article XIII B of the California Constitution for*
18 *certain costs that may be incurred by a local agency or school*
19 *district because, in that regard, this act creates a new crime or*
20 *infraction, eliminates a crime or infraction, or changes the penalty*
21 *for a crime or infraction, within the meaning of Section 17556 of*
22 *the Government Code, or changes the definition of a crime within*
23 *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.*

O