

# STEPP & BEAUCHAMP LLP

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April 16, 2000

Aaron Zelman  
Executive Director  
Jews For The Preservation of Firearms Ownership  
P.O. Box 270143  
Hartford, WI 53027

Re: Legal Analysis – Applications For And Issuance Of Concealed  
Weapons Permits Pursuant To California Penal Code 12050, et  
seq.

Dear Mr. Zelman:

Your organization has asked this firm to provide an analysis of California's statutory scheme for the issuance of permits to carry concealed firearms. As you know, California is among the minority of states that does not require the issuance of permits to carry concealed weapons for lawful purposes to all law-abiding citizens who properly apply and pass appropriate criminal background investigations. In the vernacular of the law of concealed firearms permits ("CCW Permits"), California is known as a "may issue" state as opposed to the majority of states which are known as "shall issue" states.<sup>1</sup>

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<sup>1</sup> As an aside, it is particularly interesting to note that the law enforcement executives who predicted dire consequences in voicing their opposition to "shall issue" laws in those states in which such laws have been passed now admit that no negative consequence appear to have resulted. "I lobbied against the law in 1993 and 1995 because I thought it would lead to wholesale armed conflict. That hasn't happened. All the horror stories I thought would come to pass didn't happen. No bogeyman. I think it's worked out well, and that says good things about the citizens who have permits. I'm a convert." - Glenn White, President of the Dallas Police Association, Dallas Morning News, December 23, 1997; "From a law enforcement perspective, the licensing process has not resulted in problems in the community from people arming themselves with concealed weapons." Commissioner James T. Moore, Florida Department of Law Enforcement, Memo to the Governor, 3/15/95; "As we have seen in other states and had predicted would occur in Texas, all the fears of the naysayers have not come to fruition. A lot of critics argued that the law-abiding citizens couldn't be trusted... But the facts do speak for themselves. None of these horror stories have materialized." -- Sheriff David Williams, Tarrant County, TX, Fort Worth Telegram, 7/17/96; "Some of the public safety concerns which we imagined or anticipated a couple of years ago, to our pleasant surprise, have been unfounded or mitigated." - Fairfax County VA Police Major Bill Brown,

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### 1. INTRODUCTION

Section 12050 of California's Penal Code sets forth the statutory requirements for applicants and issuers of CCW Permits. Section 12050 is reproduced as Exhibit "A" at the conclusion of this analysis.

Under California's statutory scheme all CCW Permits are issued by local sheriffs or chiefs of police in such officials' discretion. Although issued locally, such permits, if issued, are valid throughout the State.

Because the authority to issue CCW permits is vested in local officials and is entirely discretionary, California's statutory scheme historically has been, and continues to be, subject to abuse by sheriffs and chiefs of police who use the power to issue permits primarily to reward political supporters, refuse to issue any permits or who issue permits on grounds other than legitimate need while refusing to issue to applicants with legitimate needs.

Although the discretion of the issuing official is broad the California courts have held that an issuing authority may not adopt a blanket policy of refusing to issue permits and must actually review and consider applications on a case by case basis for the purpose of determining the existence of the statutory grounds for issuance of a CCW Permit. Salute v. Pitches, 61 Cal.App.3d 557, 132 Cal.Rptr. 345 (1976). The Court in Salute concluded that a blanket refusal to issue CCW Permits was an "abuse" of discretion rather and the exercise of discretion.

The Court in Salute noted:

'The Sheriff's policy is not to issue any concealed weapons permit to any person, except for judges who express concern for their personal safety. In special circumstances, the request of a public office holder who expresses concern for his personal safety would be considered. . . .' and 'the outstanding permits issued by the Sheriff are only 24 in number.'

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The Alexandria Journal, 7/9/97; "I was wrong. But I'm glad to say I was wrong." Arlington County VA Police Detective Paul Larson, previously an opponent of shall issue legislation, The Alexandria Journal, 7/9/97; "Virginia has not turned into Dodge City. We have not seen a problem." Virginia Public Safety Secretary Jerry Kilgore, The Fredricksburg Freelance Star, 2/2/96; "The concerns I had - with more guns on the street, folks may be more apt to square off against one another with weapons - we haven't experienced that." Charlotte-Mecklenburg NC Police Chief Dennis Nowicki, The News and Observer, 11/24/97.

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While a court cannot compel a public officer to exercise his discretion in any particular manner, it may direct him to exercise that discretion. We regard the case at bench as involving a refusal of the sheriff to exercise the discretion given him by the statute. Section 12050 imposes only three limits on the grant of an application to carry a concealed weapon: the applicant must be of good moral character, show good cause and be a resident of the county. To determine, in advance, as a uniform rule, that only selected public officials can show good cause is to refuse to consider the existence of good cause on the part of citizens generally and is an abuse of, and not an exercise of, discretion.

...

***It is the duty of the sheriff to make such an investigation and determination, on an individual basis, on every application under section 12050.***

Salute v. Pitches, 61 Cal.App.3d at 560-61, 132 Cal.Rptr. 347 (emphasis added).

In addition, the United States Court of Appeal for the Ninth Circuit as held that an arbitrary and capricious CCW Permit scheme that treats similarly situated individuals differently may give rise to liability on the part of the issuing official on federal equal protection grounds. Guillory v. Gates, 731 F.2d 1379 (1984).

In Guillory, the Ninth Circuit addressed the case of three CCW Permit Applicants who had filed suit against the sheriff of Orange County ("Gates"), the chief of Police of Santa Ana ("Davis"), and others on the grounds that denial of their applications for CCW Permits constituted a denial of their rights under the Civil Rights Act and the equal protection clause of the United States Constitution. 731 F.2d at 1381.

Between June 1977 and January 1979, Guillory made numerous applications to Gates and Davis for a permit to carry a concealed weapon pursuant to Section 12050. *Id.* at 1381-82. Pursuant to Santa Ana's policy, Guillory's applications to Davis were deferred to Gates. Gates denied Guillory's applications for the permit on the grounds that Guillory failed to meet the statutory requirements that "good cause exist" for the permit and that the applicant be "of good moral character." *Id.* at 1382. The two other applicants were licensed private investigators. In 1979 and 1980 they made several applications to Gates and Davis for concealed weapon permits. The applications made to Davis were again deferred to Gates, pursuant to Santa Ana's policy. Gates denied without explanation the applications of each. *Id.*

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Ultimately, the three CCW Permit Applicants alleged that the denial of their applications amounted to a violation of their rights under color of state authority under 42 U.S.C. 1983, 1985, and 1986 and violated the equal protection clause under the United States Constitution. *Id.* The district court granted motions to dismiss all defendants except Davis and Gates and ultimately directed a verdict in favor of Davis and Gates.

The Ninth Circuit reversed, noting that the CCW Applicants had alleged that the defendants were acting under the color of their official capacity when they assisted in processing the applications and "further alleged they acted separately and in a conspiratorial manner to deprive the [CCW Permit applicants] of [their] constitutional rights and that they executed the policies and customs established by "directive and/or practice" of Orange County. *Id.*

The Ninth Circuit found these allegations "sufficient to give rise to a cause of action under the Civil Rights Act against these individual defendants. *Id.*

At trial, Gates and Davis successfully argued that California Government Code Sections 820.2 and 821.2 granted them immunity. "because of the need for judicial abstention in areas where basic policy decisions have been committed to coordinate branches of government" and the absence of credible evidence establishing the alleged constitutional violations, the trial court granted a directed verdict in favor of Gates and Davis. The trial Court agreed. *Id.* Again, the Ninth Circuit reversed, ruling that "[s]tate statutory immunity provisions do not apply to federal civil rights actions." *Id.* The Ninth Circuit held: "To construe a federal statute to allow a state immunity defense "to have controlling effect would transmute a basic guarantee into an illusory promise," which the supremacy clause does not allow." *Id.*

Perhaps most important to the analysis of Section 12050, The CCW Permit applicants claimed that "they were denied equal protection of the laws by the alleged arbitrary and capricious handling of their applications." *Id.* at 1383. The trial court refused to allow evidence on this point. Again, the Ninth Circuit reversed, ruling that the CCW Permit Applicants were entitled to place evidence before the jury from which it might find an equal protection violation. "By limiting the examination of Gates, the court prevented the [CCW Permit Applicants] from doing this. The [CCW Permit Applicants] were unable to attempt to establish how they as a class were treated differently than others." ***A law that is administered so as to unjustly discriminate between persons similarly situated may deny equal protection.*** *Id.* (citations omitted) (emphasis added).

Finally, at trial "the county took the position that it was not bound by the fourteenth amendment equal protection clause, apparently on the theory that the

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second amendment somehow supersedes it whenever the state's regulation of firearms is at issue. **This wholly unsubstantiated position in itself seems to be evidence of the county's official policy of indifference to fourteenth amendment protections. Accordingly, we conclude the district court abused its discretion by limiting the scope and extent of the cross-examination of Gates.** Id. (citations omitted) ( emphasis added).

### 2. THE PERMIT APPLICATION PROCESS IN CALIFORNIA

California Penal Code Section 12050, generally speaking, provides three avenues for applying for and obtaining CCW Permits:

A. Under Section 12050(a)(1)(A) an applicant may apply to the sheriff of the county in which the applicant resides or spends a substantial period of time in the applicant's principal place of employment or business in the county or a city within the county.<sup>2</sup> In such case, the sheriff may issue a CCW Permit, upon proof (i) that the person applying is of good moral character, (ii) that good cause exists for the issuance, and (iii) that the person has completed the training specified in Section 12050(a)(1)(D).

B. Under Section 12050(a)(1)(B) an applicant may apply to the chief or other head of the municipal police department of the city or city and county in which the applicant resides. Such chief may then issue a CCW Permit to the applicant upon (i) proof that the person applying is of good moral character, (ii) that good cause exists for the issuance, (iii) that the person has completed the training specified in Section 12050(a)(1)(D).

C. Under Section 12050(a)(1)(C) a reserve police officer or reserve deputy sheriff may apply to the head of that reserve officer's or deputy's agency without regard to the residence of the applicant and the sheriff or the chief employing the reserve officer applicant may issue a CCW Permit upon (i) proof that the person applying is of good moral character, and (ii) that good cause exists for the issuance.<sup>3</sup>

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<sup>2</sup> If the CCW Permit is issued based on employment in the county, the CCW Permit is valid for only 90 days and is valid only in the county in which issued, not statewide as would otherwise be the case.

<sup>3</sup> The reserve officer must be appointed pursuant to subdivision (a) or (b) of Penal Code Section 830.6. A 1997 amendment to Section 12050 removed the requirement that a reserve police officer be a resident of the county in which the agency issuing the permit is located but added the requirement that a permit issued under this subdivision must be issued by the head of the agency appointing the reserve officer.

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Thus, generally speaking, ***every sheriff is obligated by law to accept, and is required to review individually for the statutory requirements, each and every CCW Permit application submitted by any resident of the county and any resident of a city within the county without exception.***

Similarly, every chief of police ***is obligated by law to accept and is required to review individually for the statutory requirements, each and every CCW Permit application submitted by any resident of his or her city with one exception set forth in Section 12050(g).***

Section 12050(g) was included in a 1998 amendment to Section 12050. Subsection (g) provides that a chief or other head of a municipal police department of any city may enter into an agreement with the county sheriff pursuant to which the chief turns over all responsibility for the issuance of CCW Permits, renewals and amendments. Subsection (g) clearly provides that if a chief of police elects to enter into an agreement with a sheriff to turn over responsibility for the issuance of CCW Permits, the chief must do so with respect to the issuance of all CCW Permits to city residents. In addition, the chief must obtain the sheriff's agreement to assume responsibility for issuance of CCW Permits to city residents. Failure to obtain the sheriff's agreement, or the retention of the right to issue any CCW Permits, would be tantamount to the absence of the agreement contemplated by subsection (g). In such case, the chief would remain responsible for accepting and processing all CCW Permit applications and for full compliance with Section 12050.<sup>4</sup>

It is important to note that neither subsection (g) to Section 12050 nor any other provision in the statutory CCW Permit scheme permits sheriffs to enter into agreements with chiefs of police to turn over to a chief the sheriff's obligation for accepting and processing CCW applications from city residents. Neither does any provision exist which would permit a chief of police to foreclose a sheriff from issuing CCW Permits to residents of a city.

Following submission of the CCW Permit Application, the licensing authority shall give written notice to the applicant indicating if the license is approved or denied within 90 days of the initial application for a new license or a license renewal or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later." California Penal Code Section 12052.5. The requirement of written notice is a significant advance. It requires the issuing agency to document the denial. In the past, agencies served with Freedom of Information Act requests for denied and granted applications have contended that they did not maintain records on denied applications. This "in writing" requirement

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<sup>4</sup> As well as compliance with all case law interpreting Section 12050.

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is a boon in terms of civil discovery for purposes of comparing denied applications with granted applications for purpose of establishing violations of the Civil Rights Act and equal protection violations as well as in demonstrating the generally arbitrary and capricious nature of the conduct of issuing authorities.

The maximum fees that may lawfully be charged applicants for CCW Permits are set forth in Penal Code Section 12054.

### 3. ISSUES PRESENTED

Your request for this analysis raised the following four questions:

- A. MAY A SHERIFF REQUIRE APPLICANTS WHO RESIDES WITHIN THE CITY LIMITS OF A PARTICULAR CITY TO APPLY ONLY, OR FIRST, TO THAT CITY'S CHIEF OF POLICE?

Short Answer: NO.

As discussed above, Section 12050(a)(1)(A) and (B) grant the right to apply to either (or both) the sheriff or the chief of police if one is a resident of a city within a county. In addition, the 1998 addition of subsection (g) to Penal Code Section 12050, which permits a chief of police to turn over to the sheriff responsibility for all CCW Permit applications from city residents, is not reciprocal and does not grant a sheriff the right to abdicate his or her legal obligation to accept and process CCW Permits from residents of any city within the county. ***Any refusal by a sheriff to accept CCW Permit applications from the resident of any city in the county would be a direct violation of the holding in Salute v. Pitchess and, under proper circumstances, could expose the sheriff and the county to federal civil rights and equal protection claims under the holding in Guillory vs. Gates.***

In addition, there is some evidence of racial bias in the permit application process. There is evidence, for example, that at least one sheriff has refused to issue CCW Permits to applicants who are residents of a city in the bay area with a high percentage of minority residents failing to find good cause for such issuance, while simultaneously issuing at least one permit to a white supporter who asserted as his good cause the fact that he was required frequently to drive through the same city and, as a result, needed the CCW Permit for personal protection while in the city in question.

This is clearly an abuse of discretion that, if proven, could easily support a writ of mandate against the sheriff for both an abuse of discretion, and a violation of public policy. Moreover, this **would clearly support federal claims of**

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**violations of equal protection and civil rights violations** under the theories and holdings in Guillory.

- B. MAY A SHERIFF IMPOSE ON RESIDENTS OF A CITY REQUIREMENTS WHICH EXCEED THOSE APPLIED TO RESIDENTS OF UNINCORPORATED AREAS?

Short Answer: NO.

This analysis is identical to the analysis to A, above. In addition, one of the purposes of the 1998 amendment to Section 12050 in 1998 was to impose some uniformity on the CCW Permit application process and reduce the abuses of numerous issuing authorities. See letter from Rodrick Wright, Author of A.B. 2022 to Governor Wilson dated September 2, 1998). Finally, Section 12050 itself, and as interpreted by Salute, imposes only three requirements in the case of non-police reserve applicants: (i) that they be of good moral character; (ii) that they reside in the county of issuance or a city in the county of issuance; (iii) that the applicant undergo specified training; and (iv) that they show good cause.<sup>5</sup> Obviously, the good cause requirement coupled with the "may issue" language of the statute results in the most troublesome aspect of the process. Nevertheless, a concerted and more active approach on the issue of equal protection, such as initiating high profile litigation on behalf of a number of rejected applicants against the worst offenders among issuing authorities may bring the issue to the fore and result either in more fair local policies or further attempt at legislating a definition of "good cause."

- C. MAY A CHIEF OF POLICE ISSUE SOME PERMITS BUT REQUIRE OTHER APPLICANTS TO APPLY TO THE SHERIFF?

Short Answer: NO.

Section 12050(g) permits a chief to "enter into an agreement" with a sheriff to process "all" applications. There are two elements to this provision. First, a chief must enter into an "agreement" with the sheriff. This requires the sheriff to agree to accept all CCW Permit applications from any resident of the city in question. Second, subsection (g) specifically requires that the agreement encompass "all" applicants who reside in the city. The failure to comply with the literal terms of the statute opens up both the chief and the sheriff to equal protection lawsuits. The most likely scenario would be a local chief of police who claims to have turned over all permit processing to the sheriff, particularly in the absence of the required

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<sup>5</sup> The Code now also permits the issuing agency to conduct certain restricted psychological testing.

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agreement by the sheriff to undertake all processing for the city, but where such chief continues to issue limited permits to some individuals.

**D. MAY AN ISSUING AUTHORITY IMPOSE A POLICY OF DENYING ALL CCW PERMIT APPLICATIONS?**

Short Answer: NO.

This is precisely the situation addressed and rejected by the Court of Appeal in Salute vs. Pitchess, 61 Cal.App.3d 557, 132 Cal.Rptr. 345 (1976), and constitutes an abuse rather than an exercise of discretion.

The most likely avenue for a successful resolution of the abuses generated by California's "may issue" statue, which remains the minority position among the fifty states, may very well be to commence a series of lawsuits against the worst offenders, particularly the sheriffs of Sacramento County, Fresno County, Contra Costa and the chiefs of police of Richmond and Los Angeles. In order to be successful, it will be necessary to obtain under the freedom of information act the "good cause" statements of all successful applicants and compare them to the "good cause" statements of unsuccessful applicants.

Please contact me for further discussions.

Sincerely,



Robert B. Beauchamp

## EXHIBIT A

12050. Issuance of licenses; qualifications of licensee; restrictions, conditions, prohibitions, revocations; amendments to licenses; changes in addresses; renewals

(a)(1)(A) The sheriff of a county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying satisfies any one of the conditions specified in subparagraph (D) and has completed a course of training as described in subparagraph (E), may issue to that person a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person in either one of the following formats:

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

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

(B) The chief or other head of a municipal police department of any city or city and county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a resident of that city and has completed a course of training as described in subparagraph (E), may issue to that person a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person in either one of the following formats:

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

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

(C) The sheriff of a county or the chief or other head of a municipal police department of any city or city and county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a person who has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 by that sheriff or that chief of police or other head of a municipal police department, may issue to that person a license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person. Direct or indirect fees for the issuance of a license pursuant to this subparagraph may be waived. The fact that an applicant for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 shall be considered only for the purpose of

issuing a license pursuant to this subparagraph, and shall not be considered for the purpose of issuing a license pursuant to subparagraph (A) or (B).

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

(i) Is a resident of the county or a city within the county.

(ii) Spends a substantial period of time in the applicant's principal place of employment or business in the county or a city within the county.

(E)(i) For new license applicants, the course of training may be any course acceptable to the licensing authority, shall not exceed 16 hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. Notwithstanding this clause, the licensing authority may require a community college course certified by the Commission on Peace Officer Standards and Training, up to a maximum of 24 hours, but only if required uniformly of all license applicants without exception.

(ii) For license renewal applicants, the course of training may be any course acceptable to the licensing authority, shall be no less than four hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.

(2)(A)(i) Except as otherwise provided in clause (ii), subparagraphs (C) and (D) of this paragraph, and subparagraph (B) of paragraph (4) of subdivision (f), a license issued pursuant to subparagraph (A) or (B) of paragraph (1) is valid for any period of time not to exceed two years from the date of the license. (ii) If the licensee's place of employment or business was the basis for issuance of the license pursuant to subparagraph (A) of paragraph (1), the license is valid for any period of time not to exceed 90 days from the date of the license. The license shall be valid only in the county in which the license was originally issued. The licensee shall give a copy of this license to the licensing authority of the city, county, or city and county in which he or she resides. The licensing authority that originally issued the license shall inform the licensee verbally and in writing in at least 16-point type of this obligation to give a copy of the license to the licensing authority of the city, county, or city and county of residence. Any application to renew or extend the validity of, or reissue, the license may be granted only upon the concurrence of the licensing authority that originally issued the license and the licensing authority of the city, county, or city and county in which the licensee resides.

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

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

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

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

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

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

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

(d) A license shall not be issued if the Department of Justice determines that the person is within a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(e)(1) The license shall be revoked by the local licensing authority if at any time either the local licensing authority is notified by the Department of Justice that a licensee is within a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, or the local licensing authority determines that the person is within a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(2) If at any time the Department of Justice determines that a licensee is within a

prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, the department shall immediately notify the local licensing authority of the determination.

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

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

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

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

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

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

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

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

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

(B) If the license is one to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person, then it may not be revoked solely because the licensee changes his or her place of residence to another county if the licensee has not breached any conditions or restrictions set forth in the license or has not fallen into a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. However, any license issued pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a) shall expire 90 days after the licensee moves from the county of issuance if the licensee's place of residence was the basis for issuance of the license.

(C) If the license is one to carry loaded and exposed a pistol, revolver, or other

firearm capable of being concealed upon the person, the license shall be revoked immediately if the licensee changes his or her place of residence to another county.

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

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

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

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**RODERICK D. WRIGHT**  
ASSEMBLYMAN, FORTY-EIGHTH DISTRICT



CHAIR:  
BUDGET SUBCOMMITTEE NO. 4:  
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BUDGET  
ELECTIONS, REAPPORTIONMENT &  
CONSTITUTIONAL AMENDMENTS  
GOVERNMENTAL ORGANIZATION  
HOUSING & COMMUNITY DEVELOPMENT  
HUMAN SERVICES  
REVENUE AND TAXATION  
RULES (ALT.)  
JOINT LEGISLATIVE BUDGET  
UTILITIES & COMMERCE  
SELECT COMMITTEE ON CORRIDORS OF  
ECONOMIC SIGNIFICANCE  
SELECT COMMITTEE ON CALIFORNIA  
HORSE RACING INDUSTRY  
SELECT COMMITTEE ON CALIFORNIA  
MIDDLE CLASS  
SELECTION COMMITTEE ON CALIFORNIA  
WINE  
SELECT COMMITTEE ON RURAL  
ECONOMIC DEVELOPMENT  
SELECT COMMITTEE ON WELFARE  
REFORM IMPLEMENTATION

September 2, 1998

Honorable Pete Wilson  
Governor, State of California  
State Capitol, First Floor  
Sacramento, CA 95814

Dear Governor Wilson:

This letter is to request your signature on Assembly Bill 2022.

AB 2022 is a modest effort to reform the processing of concealed weapons permits. It represents the culmination of a collaborative negotiation process with the State Police Chiefs Association and the County Sheriff's Association, which are now both neutral on the bill. As a result, AB 2022 represents the first truly comprehensive reform to this law since 1969.

Law enforcement has long been criticized for an arbitrary, capricious and discriminatory administration of this law. An example of the problem was a Los Angeles deputy district attorney who flew up to Sacramento on his own time to support the bill. He testified an Asian gang threatened him after a successful trial against them. He applied for a CCW permit to the police of a local city within Los Angeles County. Thirty seconds after turning in the application it was denied. His research discovered no permit had been granted in the prior 5 years except for reserve officers and judges.

AB 2022 creates clear fair standards in the application process that hopefully will eliminate some of this criticism.

One key point to remember is that this bill does not effect the authority of the sheriffs or police chiefs.  
The major provisions of this bill include:

- A safety training requirement for the first time of up to 16 hours.
- An application fee increase from \$3 to \$100.
- A standard statewide application form, a written notice of denial within 90 days of application, and an expanded permit life from 1-2 years for civilians and from 3-4 years for reserve officers.
- A narrowly crafted, 90-day emergency business permits for substantial employment or business in another county.

Letter from the Hon. Rod Wright re: AB2022

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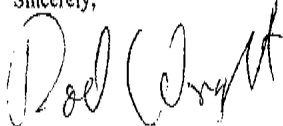
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The National Rifle Association along with other interested gun organizations are in full support of the bill along with several women's safety groups and the Doris Tate Crime Victims Bureau.

The success of the negotiation is reflected in the final votes in the Senate 21-7 and the Assembly 64-3.

Thank you for consideration of this legislation.

Sincerely,



Roderick D. Wright  
Assemblyman, 48th District

RDW: SMD