

# **Exhibit 2**

AB 2022 Assembly Bill - Bill Analysis

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SENATE RULES COMMITTEE AB 2022  
Office of Senate Floor Analyses  
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THIRD READING

Bill No: AB 2022  
Author: Wright (D), et al  
Amended: 8/19/98 in Senate  
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE : 4-2, 6/23/98  
AYES: Vasconcellos, Rainey, McPherson, Schiff  
NOES: Polanco, Watson  
NOT VOTING: Burton, Kopp

SENATE PUBLIC SAFETY COMMITTEE : 6-2, 6/30/98  
AYES: Vasconcellos, Rainey, Kopp, McPherson, Polanco,  
Schiff  
NOES: Burton, Watson

SENATE APPROPRIATIONS COMMITTEE : 8-5, 8/11/98  
AYES: Calderon, Dills, Johnson, Kelley, Leslie, McPherson,  
Mountjoy, Vasconcellos  
NOES: Johnston, Alpert, Burton, Hughes, Karnette

ASSEMBLY FLOOR : 62-8, 5/21/98 - See last page for vote

SUBJECT : Concealed weapons licenses

SOURCE : Author

DIGEST : This bill makes a number of changes pertaining to the issuance of licenses to carry concealed weapons concealed in public, including new authority for a sheriff to issue a ninety day permit to a person who is not a resident of a county but who "Spends a substantial period of time in the county or city relative to the applicant's

principal place of employment or business." This bill increases the general period of such licenses from one year to three years; and makes a number of other changes in existing law regarding such licenses.

Senate Floor Amendments of 8/19/98:

1. Delete "expert" and instead insert "licensed psychologist,"
2. Raise the maximum fee to \$150.

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3. Provide that if additional psychological testing is required for a renewal, it may only be required "if there is compelling evidence to indicate that a test is necessary."

**ANALYSIS** : Existing law provides that a sheriff or a police chief may issue a license to carry a concealed firearm in public pursuant to specified requirements and restrictions, such as that the applicant is of good moral character, the applicant is not within certain prohibited categories, and good cause exists for the issuance. In counties with populations of 200,000 or less, a license may also be issued to carry a loaded and exposed pistol, revolver, or other firearm capable of being concealed upon the person. Licenses to carry concealed weapons are valid statewide although the issuing authority may place restrictions or conditions on the license. Licenses are valid for any period of time not to exceed one year from the date of the license. (Penal Code Section 12050)

Existing law delineates the authority of a sheriff to issue a license to a person applying who is a resident of the county or a city within the county.

Existing law delineates the authority of a chief or other head of a municipal police department of any city to issue a license to a person applying who is a resident of that city.

Existing law also allows both a sheriff and a police chief to issue a concealed weapons license regardless of the general residency requirements to a reserve peace officer who is deputized by the issuing authority; such licenses are valid for up to three years.

Existing law explicitly authorizes all California citizens and legal residents over eighteen years of age, unless in prohibited classes, the right to carry otherwise lawful

pistols, revolvers, or concealable firearms, concealed or not, anywhere at his or her place of residence, business, or private property lawfully owned or possessed. Existing law further allows an otherwise lawfully loaded weapon at his or her place of residence, including any temporary residence or campsite. (Penal Code Sections 12026 and 12031(1))

This bill would do the following concerning the issuance of a license by a sheriff or police chief:

1. Authorizes a sheriff to additionally issue a license to carry a concealed weapon in public to an applicant who:
  - A. 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.
  - B. Provides that a location 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.
2. Provides that, pertaining to a license issued on the basis of (1) above:

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- A. Such licenses are valid for any period of time not exceeding ninety days.
- B. Such licenses are valid only in the county in which the license was originally issued.
- C. The licensee shall give a copy of the license to the licensing authority of the city, county, or city and county in which he or she resides.
- D. 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.
- E. Any application to renew or extend the validity of, or reissue, a 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.

- 3. Provides that for any license to carry a concealed weapon in public that the applicant has completed a course of training which:
  - A. Shall not exceed sixteen hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.
  - B. For license renewal applicants, 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 firearm.
  - C. For new licenses may be up to a maximum 24-hour community college course (P.O.S.T.) if required uniformly of all applicants.
- 4. Extends the time period for which a regular license may be valid from not more than one year to not more than two years and extends as the period of time for a license issued to a reserve peace officer from a maximum of three years to up to four years.
- 5. Provides that nothing shall preclude a 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, for carrying concealed weapons concealed in public.

This bill makes the following additional changes regarding licenses to carry concealed weapons concealed in public:

- 1. Adds new requirements to law that:
  - A. Within three months of the effective date of this bill, each licensing authority shall publish and make available a written policy summarizing the provisions of law pertaining to sheriffs and police

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chiefs issuing licenses to carry concealed weapons concealed in public.

2. Requires the Attorney General, on or before July 1, 1999, to convene a committee composed of a representative of the California State Sheriffs' Association, one representative of the California Police Chiefs' Association, and one representative of Department of Justice to develop a standard application form for licenses; the application shall include a section summarizing the statutory provisions of state law that result in the automatic denial of a license (added to existing Penal Code Section 12051 which requires a uniform application throughout the state upon forms prescribed by the Attorney General).

3. Provides that an applicant shall not be required to fill out any forms or provide any information not otherwise required on the standard form prescribed by the Attorney General except to clarify or interpret information provided by the applicant on the standard application form.
4. Adds a new section in the law to require that the licensing authority shall give written notice to the applicant indicating if the license is approved or denied within ninety days of the initial application for a new license or a license renewal or thirty days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later.
5. Requires that commencing on or before January 1, 2000, and annually thereafter, each licensing authority shall submit to the Attorney General the total number of licenses issued to peace officers and judges, and that the Attorney General shall collect and record the information submitted pursuant to this subdivision by county and licensing authority.
6. Changes the fees which may be charged for licenses to:
  - A. Not more than \$100 for a new license (not a renewal), excluding fingerprint and training costs (current fee is \$3 with cost-of-living increase allowed); limits initial local fee 20% of the total with rest due only upon issuance of the license; allows cost-of-living increase for local fees.
  - B. In case of an amended license, not more than \$10, except there is a cost-of-living increase allowed.
  - C. In case of a license renewal, allows a fee of not more than \$25, with cost-of-living increase allowed.
  - D. Add that except for those fees authorized, no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant may be imposed by any licensing

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authority as a condition of the application for a license.

- E. Specifies that if psychological testing on the initial application is required by the licensing authority, a licensed psychologist used by the authority for its own employees may be designated. Provides that the applicant may be charged for the actual cost of the testing in an amount not to exceed \$150. Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary. The cost of the additional testing shall not exceed \$150.

- F. Incorporates language contained in AB 1795 (Chapter 110 of 1998).

This bill makes related changes.

### Residency Requirements: History

Since at least 1953 when the current Penal Code Section 12050 was first enacted, sheriffs and police chiefs have been authorized to issue licenses to carry concealed handguns in public. Boards of police commissioners and city and town marshals were once given such authority as well, but that authority was eliminated in 1969.

The 1969 legislation also precluded chiefs and sheriffs from issuing licenses to out-of-county residents. The 1969 limitation on the issuance of out-of-county residents may have been designed to prevent forum shopping.

The 1969 legislation still allowed a chief of police of a city within that county to issue a carry permit to both residents of his or her city as well as to residents of the county at large. The apparent rationale for this provision was to allow chiefs to issue permits to reserve officers who did not reside in that city.

In 1997, the Legislature passed and the Governor signed two bills which addressed the residency issue:

1. SB 146 (Johnston), Chapter 408, Statutes of 1997,

precluded chiefs of police from issuing carry permits to persons who did not reside in that city. The impetus for the bill was to prevent a northern California police chief from issuing permits to non-city residents who resided in the county.

2. AB 1468 (Runner), Chapter 744, Statutes of 1997, allowed chiefs or sheriffs to issue carry permits to their reserve officers irrespective of their counties of residence.

SB 2125 (Mountjoy) proposed to add the authorization for a police chief to issue a license to carry a concealed weapon to a person who is a resident of the county in which the city is located and that city is the applicant's principal place of employment or business. SB 2125 failed in this committee on May 12, 1998.

This bill would allow a sheriff to issue a license, as specified, to a person who is not a resident of the county.

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Prior legislation :

SB 146 (Johnston) passed the Senate 24-12, 5/22/97 -  
Chapter 408, Statutes of 1997

AB 1795 (Runner) passed the Senate 24-1 on 6/18/98 (voting  
"no" - Mountjoy)

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes  
Local: Yes

SUPPORT : (Verified 8/20/98)

Women's Self Defense Foundation  
Sports and Arms Show Producers of California  
The California Sportsman's Lobby, Inc.  
Doris Tate Crime Victims Bureau  
California Investor's Mutual  
Women's Safety Alliance  
Outdoor Sportsman's Coalition of California  
Sports and Arms Show Producers of America

OPPOSITION : (Verified 8/20/98)

City of Los Angeles  
Los Angeles Police Department

ARGUMENTS IN SUPPORT : According to the author:

The purpose of AB 2022 is to create some standardization of processing of concealed weapon permits and to eliminate some of the gross abuses of arbitrariness reported around the state. This bill does not change the authority of local police in issuing permits nor does it increase the issuance of even one new permit in the state. This bill was developed in conjunction with extensive discussions of state sheriff and police chief representatives. Several of the provisions in fact were included at the request of these organizations. Simple provisions like uniform applications, an increase in the application fee, clarification to the public of application criteria are examples of provisions included in AB 2022 that will help in the fair administration of this law.

ARGUMENTS IN OPPOSITION : The City of Los Angeles and the Los Angeles Police Department state that this legislation will open up to the process to abuse and fraud. It will

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also increase the drain on resources that will be required to validate the person working or conducting business in that community.

The current law allows a person to receive a concealed weapons permit only in the city or county in which a person is a resident. We feel that this is a much more workable and reliable system. A person need only to show proof of residence." \_

- ASSEMBLY FLOOR :

AYES: Ackerman, Aguiar, Alby, Alquist, Ashburn, Baca, Baldwin, Battin, Baugh, Bordonaro, Bowler, Brewer,

Bustamante, Campbell, Cardenas, Cardoza, Cedillo, Cunneen, Ducheny, Firestone, Frusetta, Gallegos, Goldsmith, Granlund, Havice, Hertzberg, Honda, House, Kaloogian, Keeley, Kuykendall, Leach, Lempert, Leonard, Machado, Margett, McClintock, Miller, Morrissey, Morrow, Murray, Napolitano, Olberg, Oller, Pacheco, Papan, Poochigian, Prenter, Pringle, Richter, Runner, Strom-Martin, Takasugi, Thompson, Thomson, Torlakson, Vincent, Washington, Wayne, Woods, Wright, Villaraigosa  
NOES: Aroner, Bowen, Knox, Kuehl, Martinez, Mazzoni, Migden, Ortiz  
NOT VOTING: Brown, Davis, Escutia, Figueroa, Floyd, Perata, Scott, Shelley, Sweeney, Wildman

RJG:jk 8/20/98 Senate Floor Analyses  
SUPPORT/OPPOSITION: SEE ABOVE  
\*\*\*\* END \*\*\*\* \_

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## BILL DOCUMENTS

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### Documents associated with AB 2022 in the Session

Status - 09/28/1998 1177 bytes

History - 09/28/1998 3179 bytes

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Chaptered - 09/28/1998	<u>HTML</u> - 29368 bytes	<u>PDF</u> - 31847 bytes
Enrolled - 08/26/1998	<u>HTML</u> - 29257 bytes	<u>PDF</u> - 36533 bytes
Amended - 08/19/1998	<u>HTML</u> - 29523 bytes	<u>PDF</u> - 39259 bytes
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### Analyses

<u>Assembly Floor</u>	- 08/25/1998 - 7702 bytes
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Votes

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