

CALIFORNIA SB-2: CCW UPDATES

SB-2 GOES INTO EFFECT ON 01/01/2024

MAIN POSITIVES:

- Good cause is no longer a subjective requirement. (NYSRPA v. Bruen)
- Good moral character is no longer a subjective requirement (SB-2).
- If denied, the issuing agency must provide notice.
- If denied, the applicant can request a hearing to appeal.
- If denied, the applicant can seek a writ of mandate from the Superior Court.

MAIN NEGATIVES:

- CCW can only have a recorded owner firearm (Can't carry a spouse's firearm).
- Initial training now mandatory 16 hours.
- Renewal training now mandatory 8 hours.
- Issuing agencies can charge 50% of the processing costs.
- Applicants are now responsible for the cost of psychological assessment.
- Vast prohibitions on places to carry a firearm. "Vampire Clause" (permission needed).
- Multiple CCW exemptions removed, unless specified.
- Agencies required to revoke an application if information is inaccurate or incomplete.
- Agencies able to impose restrictions on time/place/manner/circumstances of carry.
- CCW holder unable to carry in Church (1A issue).
- CCW holder unable to consume alcohol (1A issue).
- Character references (3) required with one being the applicant's spouse/cohabitant.
- Agencies have 120 days to approve or deny a CCW.

LICENSING:

- A person SHALL be issued or renewed upon proof of the following. PC 26150:
 - Applicant is not disqualified per PC 26202.
 - Applicant is 21+ and provides ID.
 - Applicant is a resident of the county or city.
 - Applicant completes training per PC 26165.
 - Applicant is the recorded owner of the firearm on the permit.
- Issuing agency SHALL confirm the firearm is registered to the applicant. PC 26162.
- Issuing agency SHALL be authorized to charge applicants a fee for application processing costs.
- Issuing agency SHALL be authorized to charge applicants an additional fee for the cost of issuing.
- Applicants required to conduct a psychological assessment will be required to pay for it.
 - Psych only required in cases of compelling evidence of public safety concern.

PERMIT MODIFICATIONS:

- CCW holders must notify the issuing agency within 10 days of change of address.
- If notice is given, the license cannot be revoked solely because of moving to another county.
- The CCW license SHALL expire 90 days after moving to another county.

TRAINING:

- 16 hours of training required for initial application.
- 8 hours of training required for renewal application.
- 1 hour mandatory component on mental health and resources.
- Trainer must be certified by the DOJ.

CALIFORNIA SB-2: CCW UPDATES

PERMIT SHALL NOT BE ISSUED:

- Applicant is prohibited by state or federal law.
- Applicant breached any conditions of PC 26200 (Carrying firearm restrictions).
- Any information provided on the application is inaccurate or incomplete.
- Applicant is prohibited by conditions of PC 26202.
- If revoked, the DOJ shall be notified and applicants must be notified in writing.

CCW PERMIT INVESTIGATION, PC 26202:

- Interview may be in person, telephone, or virtual. Optional for renewal.
- Character references (3) required with one being from a spouse/cohabitant. Optional for renewal.
- Review of public information of the applicant (social media).
- Review of all information provided in the application.
- Review of all information provided by the DOJ regarding the applicant.
- Review of CLETS for restraining / protective orders.
- After 90 days, the issuing agency SHALL give written notice of their initial determination.

CCW PERMIT DENIAL APPEAL PROCESS:

- Issuing agency has 120 days to provide written notice of approval or denial. PC 26205.
- If the license is denied, the issuing agency SHALL state which requirement was not satisfied.
- If denied, the applicant SHALL be informed they can request a court hearing to appeal.
- The court appeal form SHALL be provided to the applicant.
- Applicants that were denied have 30 days to appeal upon notice of their denial.
- Any appeal SHALL be resolved within 60 days from when the appeal was filed.
- If an applicant is denied appeal from the issuing agency, they have 30 days to request a hearing from the Superior Court of their county of residence.
- Applicants requesting a court hearing SHALL be given a court hearing.
- Court shall set a hearing 60 days from receipt of request. 30 day continuance request available.
- Burden of proof is on the DA to prove, showing by a preponderance of the evidence, that the applicant is a disqualified person in accordance with PC 26202.
- If the court finds the burden has not been met they must:
 - Order the person is not disqualified.
 - Order the issuing agency to give notice to proceed with training requirements.
 - Order the applicant's fingerprints be submitted to the DOJ for confirmation of eligibility.
- If the applicant's license was revoked, the court shall issue the license reinstated.

DISQUALIFIED PERSONS, PC 26202:

- Reasonably likely to be a danger to self or others.
- Convicted of contempt of court.
- Subject to any restraining order / protective order within 5 years.
- Convicted within 10 years of application of PC 422.6, 422.7, 422.75, or 29805.
- Engaged in reckless use, display or brandishing a firearm.
- Charged within 10 years of PC 290, 667.5, 1192.7, 1192.8, or 29805.
- Within 5 years been committed to or incarcerated in jail or state prison for alcohol or drugs.
- Is currently abusing controlled substances.
- Within 10 years, has experienced the loss or theft of multiple firearms.
- Failed to report the loss of a firearm.

CALIFORNIA SB-2: CCW UPDATES

CARRYING FIREARM RESTRICTIONS, PC 26200, SHALL NOT:

- Consume alcohol.
- Be in a place having a primary purpose of dispensing alcohol.
- Be under the influence of alcohol or controlled substances.
- Carry a firearm they are not the recorded owner of.
- Falsely represent they are peace officers.
- Engage in unjustified display of a deadly weapon.
- Fail to carry the license on their person.
- Impede a peace officer in their duties.
- Refuse to display the license or provide peace officers the firearm for inspection.
- Violate any federal, state, or local criminal law.
- Carry more than two firearms.
- Issuing agency can include additional restrictions on:
 - Time, place, manner, and circumstances under which a licensee may carry.

FIREARM RESTRICTED AREAS:

- Any state or local public building or at any meeting required to be open to the public. PC 171b.
- Governor's Mansion. PC 171d.
- Any other residence of the Governor. PC 171d.
- Residence of any other constitutional officer. PC 171d.
- Residence of any Member of the Legislature. PC 171d.
- Any sterile area of an airport or a passenger vessel terminal. PC 171.5.
- Any building, real property, or parking area under the control of an airport. PC 171.5.
- Any public transit facility. PC 171.7.
- Public or Private school campus. PC 626.9.
- Public or Private school buildings, student housing, teaching, research, or administration. PC 626.9.
 - Contiguous or clearly marked university property.
 - Except if it is with the written permission of the university or college president or designee.
 - Does not apply to an existing shooting range at a public / private school or university.
 - Does not apply to the activities of a program involving shooting sports or activities.

CALIFORNIA SB-2: CCW UPDATES

PC 26230, CCW RESTRICTED AREAS:

EVEN WITH A CCW YOU CANNOT CARRY IN THESE LOCATIONS

- Prohibited areas per PC 626.9 (Gun-Free School Zone Act of 1995).
- Any building, real property, or parking area under the control of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or on a street or sidewalk immediately adjacent to a building, real property, or parking area under the control of that public or private school.
- Any building, real property, or parking area under the control of a preschool or childcare facility, including a room or portion of a building under the control of a preschool or childcare facility.
- Any building, parking area, or portion of a building under the control of an officer of the executive or legislative branch of the state government.
- Any building designated for a court proceeding, including matters before a superior court, district court of appeal, or the California Supreme Court, parking area under the control of the owner or operator of that building.
- Any building, parking area, or portion of a building under the control of local government, unless the firearm is being carried for purposes of training pursuant to PC 26165 (training).
- Any building, real property, and parking area under the control of an adult or juvenile detention or correctional institution, prison, or jail.
- Any building, real property, and parking area under the control of a public or private hospital or hospital affiliate, mental health facility, nursing home, medical office, urgent care facility, or other place at which medical services are customarily provided.
- Any bus, train, or other form of transportation paid for in whole or in part with public funds, and a building, real property, or parking area under the control of a transportation authority.
- Any building, real property, and parking area under the control of a vendor or an establishment where intoxicating liquor is sold for consumption on the premises.
- A public gathering or special event conducted on property open to the public that requires the issuance of a permit from a federal, state, or local government and sidewalk or street immediately adjacent to the public gathering or special event but is not more than 1,000 feet from the event or gathering.
 - EXEMPTION: Shall not apply to a licensee who must walk through a public gathering in order to access their residence, place of business, or vehicle.
- Any playground or public or private youth center, as defined in Section 626.95, and a street or sidewalk immediately adjacent to the playground or youth center.
 - Any park or recreational area specifically designed to be used by children that has play equipment installed, including public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city or county parks.

CALIFORNIA SB-2: CCW UPDATES

-Any public or private facility that is used to host recreational or social activities for minors while minors are present.

-Any park, athletic area, or athletic facility that is open to the public and a street or sidewalk immediately adjacent to those areas.

-EXEMPTION: shall not apply to a licensee who must walk through such a place in order to access their residence, place of business, or vehicle.

-Real property under the control of the Department of Parks and Recreation or Department of Fish and Wildlife.

-EXEMPTION: Areas designated for hunting, public shooting ground, or building where firearm possession is permitted by law.

-Any area under the control of a public or private community college, college, or university, including, but not limited to, buildings, classrooms, laboratories, medical clinics, hospitals, artistic venues, athletic fields or venues, entertainment venues, officially recognized university-related organization properties, whether owned or leased, and any real property, including parking areas, sidewalks, and common areas.

-A building, real property, or parking area that is or would be used for gambling or gaming of any kind.

-A stadium, arena, or the real property or parking area under the control of a stadium, arena, or a collegiate or professional sporting or eSporting event.

-A building, real property, or parking area under the control of a public library.

-A building, real property, or parking area under the control of an airport or passenger vessel terminal.

-A building, real property, or parking area under the control of an amusement park.

-A building, real property, or parking area under the control of a zoo or museum.

-A street, driveway, parking area, property, building, or facility, owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission.

-A church, synagogue, mosque, or other place of worship, including in any parking area immediately adjacent thereto, unless the operator of the place of worship clearly and conspicuously posts a sign at the entrance of the building or on the premises indicating that license holders are permitted to carry firearms on the property.

-A financial institution or parking area under the control of a financial institution.

-A police, sheriff, or highway patrol station or parking area under control of a law enforcement agency.

-A polling place, voting center, precinct, or other area or location where votes are being cast or cast ballots are being returned or counted, or the streets or sidewalks immediately adjacent to any of these places.

CALIFORNIA SB-2: CCW UPDATES

-Any other privately owned commercial establishment that is open to the public, unless the operator of the establishment clearly and conspicuously posts a sign at the entrance of the building or on the premises indicating that license holders are permitted to carry firearms on the property.

-Any other place or area prohibited by other provisions of local, state, or federal law.

TRANSPORTATION WITH CCW, PC 26230

-A licensee may transport a firearm and ammunition within their vehicle so long as the firearm is locked in a lock box. Secured so it cannot be accessed by children or unauthorized persons.

-Lock box must be listed on the Roster of Firearm Safety Devices Certified for Sale.

-<https://oag.ca.gov/firearms/fsdcertlist>

-A licensee shall be allowed to:

-Transport a concealed firearm or ammunition within a vehicle into or out of the parking area so long as the firearm is locked in a lock box.

-Store ammunition or a firearm within a locked lock box and out of plain view within the vehicle in the parking area.

-Transport a concealed firearm in the immediate area surrounding their vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within a locked lock box in the vehicle's trunk or other place inside the vehicle that is out of plain view.

-A licensee shall not be in violation of this section while they are traveling along a public right-of-way that touches or crosses any of restricted areas if the concealed firearm is carried on their person

-Licensees cannot loiter or remain in a place longer than necessary to complete their travel.

CALIFORNIA SB-2: CCW UPDATES

SB-2 INJUNCTION UPDATE

On January 6, 2024, the court lifted a stay on the injunction on sensitive places in SB 2.

The following places are now back to being allowed places for carry in California.

In addition to the places below, the judge also issued the injunction against SB 2 for all parking lots in every section of the law.

This does not change the California Gun-Free Schools Act restrictions or federal restrictions still in force.

- A building, real property, and parking area under the control of a public or private hospital, mental health facility, nursing home, medical office, urgent care facility, or other place at which medical services are customarily provided.
- Public Transportation, and a building, real property, or parking area under the control of a transportation authority.
- A building, real property, and parking area under the control of a vendor or an establishment where intoxicating liquor is sold for consumption on the premises.
- A public gathering or special event conducted on property open to the public that requires the issuance of a permit from a federal, state, or local government and sidewalk or street immediately adjacent to the public gathering but is not more than 1,000 feet from the event or gathering.
- A playground or public or private youth center, as defined in Section 626.95, and a street or sidewalk immediately adjacent to the playground or youth center.
- A park, athletic area, or athletic facility that is open to the public and a street or sidewalk immediately adjacent to those areas.
- Real property under the control of the Department of Parks and Recreation or Department of Fish and Wildlife, except those areas designated for hunting, or any other designated public hunting area, public shooting ground, or building where firearm possession is permitted by applicable law.
- Casinos, gambling establishments, gaming clubs, bingo operations, facilities licensed by the California Horse Racing Board, or a facility wherein banked or percentage games, any form of gambling device, or lotteries, other than the California State Lottery, are or will be played.

CALIFORNIA SB-2: CCW UPDATES

- A stadium, arena, or the real property or parking area under the control of a stadium, arena, or a collegiate or professional sporting or eSporting event.
- A building, real property, or parking area under the control of a public library.
- A building, real property, or parking area under the control of an amusement park.
- A building, real property, or parking area under the control of a zoo or museum.
- A church, synagogue, mosque, or other place of worship, including in any parking area immediately adjacent thereto
- A financial institution or parking area under the control of a financial institution.
- Any other privately owned commercial establishment that is open to the public,.