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AB-1134 Firearms: concealed firearm licenses. (2015-2016)

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Assembly Bill No. 1134

CHAPTER 785

An act to amend Section 26150 of the Penal Code, relating to firearms.

[Approved by Governor October 11, 2015. Filed with Secretary of State October 11, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1134, Mark Stone. Firearms: concealed firearm licenses.

Existing law authorizes the sheriff of a county, or the chief or other head of a municipal police department, upon proof that the person applying is of good moral character, that good cause exists, and that the person applying satisfies certain conditions, to issue a license for the person to carry a concealed handgun, as specified. Existing law provides that the chief or other head of a municipal police department is not precluded 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 for a person to carry a concealed handgun, renewals of those licenses, and amendments to those licenses.

This bill would provide that a sheriff is not precluded from entering into an agreement with the chief or other head of a municipal police department of a city for the chief or other head of a municipal police department to process all applications for licenses to carry a concealed handgun, renewals of those licenses, and amendments of those licenses, for that city's residents. The bill would state related findings and declarations of the Legislature.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) It is the intent of the Legislature in enacting this measure to respond to the Superior Court of the County of Los Angeles decision in *Lu v. County of Los Angeles* (2014) BC480493, by providing county sheriffs with the same authority to enter into agreements with a local police chief or other head of a municipal police department as is provided to a police chief or other head of a municipal police department in subdivision (c) of Section 26155 of the Penal Code. That authority is intended to include, but not be limited to, the ability to enter into an agreement delegating to the chief or other head of the city's police department, the sheriff's discretionary authority to issue licenses to city residents to carry a concealed firearm.

(b) This legislation is not intended to restrict a chief or other head of a municipal police department's authority under existing law to issue, renew, or amend a license to carry a concealed firearm for a resident of the city in instances in which the sheriff has denied the resident's application, except where that authority has been delegated to the sheriff by mutual agreement.

(c) This legislation is not intended to restrict a sheriff's authority under existing law to issue, renew, or amend a license to carry a concealed firearm for a resident of a city in instances in which the chief or other head of the municipal police department has denied the resident's application, except where that authority has been delegated to the chief or other head of a municipal police department by mutual agreement.

SEC. 2. Section 26150 of the Penal Code is amended to read:

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

(1) The applicant is of good moral character.

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

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

(4) The applicant has completed a course of training as described in Section 26165.

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

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

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

(c) (1) Nothing in this chapter shall preclude the sheriff of the county from entering into an agreement with the chief or other head of a municipal police department of a city to process all applications for licenses, renewals of licenses, or amendments to licenses pursuant to this chapter, in lieu of the sheriff.

(2) This subdivision shall only apply to applicants who reside within the city in which the chief or other head of the municipal police department has agreed to process applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.