

1 Donald E.J. Kilmer, Jr. (SBN: 179986)
2 LAW OFFICES OF DONALD KILMER, A.P.C.
3 1645 Willow Street, Suite 150
4 San Jose, California 95125-5120
5 Voice: (408) 264-8489
6 Fax: (408) 264-8487
7 Email: Don@DKLawOffice.com

8 Attorney for Plaintiffs

9 SUPERIOR COURT OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SAN MATEO
11 400 County Center, Redwood City, CA 94063

12 THE CALGUNS FOUNDATION,
13 INC., and GENE HOFFMAN,

14 Plaintiffs,

15 vs.

16 COUNTY OF SAN MATEO, and
17 DOES 1 TO 20,

18 Defendants.

Case No.: CIV 509185

PLAINTIFFS' REQUEST FOR
JUDICIAL NOTICE

Cal. Penal Code §§ 26150 *et seq.*

Date: April 24, 2012
Time: 9:00 a.m.
Dept.: Law/Motion

19 Plaintiffs THE CALGUNS FOUNDATION, INC., (CGF, Inc.) and GENE
20 HOFFMAN, hereby request that the Court take Judicial Notice of Chapter 4.
21 License to Carry a Pistol, Revolver, or Other Firearm Capable of Being Concealed
22 Upon the Person. Said Chapter is from Division 5, Title 4, Part 6 of the California
23 Penal Code.

24 Authority for Judicial Notice of this State's Statutes is found at California
25 Evidence Code §§ 451.

26 RESPECTFULLY SUBMITTED,

27 Date: April 6, 2012

28 _____
Donald Kilmer for Plaintiffs



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PENAL CODE
Part 6. Control of Deadly Weapons
Title 4. Firearms
Division 5. Carrying Firearms
Chapter 4. License to Carry a Pistol, Revolver, or Other Firearm Capable of Being Concealed
Upon the Person

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Pen Code § 26150 (2012)

§ 26150. License to carry concealed weapon; Issuance by sheriff

(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.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.

NOTES:**Note**

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Section 26150 continues former Section 12050(a)(1)(A) & (D) without substantive change.

See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person," "pistol," and "revolver"), 17020 ("principal place of employment or business").

Collateral References:

2 Witkin Cal. Evidence (4th ed) Witnesses § 295.

Cal. Legal Forms, (Matthew Bender) § 92.40[8].

Law Review Articles:

The Right to Know: An Approach to Gun Licenses and Public Access to Government Records. *56 UCLA LR 1579.*

Local Gun Bans in California: A Futile Exercise. *41 USF LR 333.*

Attorney General's Opinions:

County Chief Probation Officer's authority, limited as it is to employment related conduct, cannot prohibit off-duty deputy probation officer from carrying concealed firearm; holding status of duly appointed peace officer, deputy probation officer need not obtain license to carry concealed firearm. *72 Ops. Cal. Atty. Gen. 167.*

The Director of Toxic Substances Control may prohibit a non-peace officer employee from carrying a firearm while at work, including an employee who has a license to carry a firearm. *81 Ops. Cal. Atty. Gen. 63.*

Hierarchy Notes:

Pt. 6 Note

NOTES OF DECISIONS

Decisions Under Former Pen C § 12050

1. Good Cause 2. Private Investigators 3. Relation to Other Laws

1. Good Cause

An application for a concealed firearm license (*Pen C § 12050*) was properly denied by a police department on grounds that the applicant had not made a showing of good cause, even though the applicant was one of several named plaintiffs in successful earlier litigation challenging the department's practices for issuing such licenses, since the criteria adopted by the department in the earlier judgment were the same as those set forth in § 12050. Thus, the applicant was required to establish the existence of good cause; nothing required the department to renew the plaintiff's license without a current showing of good cause. *Gifford v. City of Los Angeles (2001, Cal App 2d Dist) 88 Cal App 4th 801, 106 Cal Rptr 2d 164, 2001 Cal App LEXIS 312.*

2. Private Investigators

The trial court erred in sustaining a demurrer to the petition of licensed private investigators who sought to compel the county sheriff to grant their applications for permission to carry concealed weapons pursuant to *Pen C § 12050*, which provides for such an authorization if the applicant is of good moral character, shows good cause, and is a resident of the county, where the petition alleged good moral character and residency and it was admitted that no inquiry into the existence of good cause had been made, and where the sheriff's failure to exercise his discretion under the statute was demonstrated by his admitted determination in advance, as a uniform rule, that only selected public officials could show good cause. *Salute v. Pitchess (1976, Cal App 2d Dist) 61 Cal App 3d 557, 132 Cal Rptr 345, 1976 Cal App LEXIS 1834.*

3. Relation to Other Laws

San Francisco's voter-enacted gun control ordinance, including a ban on possession of handguns by most residents, is preempted by state law because it would have invalidated all licenses possessed by city residents to carry a concealed weapon issued under *Pen C § 12050*. *Fiscal v. City & County of San Francisco (2008, 1st Dist) 2008 Cal App LEXIS 21.*

Because defendant county's policy for issuing concealed carry licenses under *Pen C § 12050* would pass constitutional muster even if it burdened protected conduct, the court did not need to decide whether the Second Amendment encompassed plaintiffs' asserted right to carry a loaded handgun in public. *Peruta v. County of San Diego (2010, SD Cal) 2010 US Dist LEXIS 130878.*

Fact that a person is required to obtain a permit pursuant to *Pen C § 12050* to carry a concealed firearm does not compel the conclusion that he or she is deprived of an alternate means of exercising his or her right to bear arms. *People v. Ellison (2011, 4th Dist) 2011 Cal App LEXIS 842*.



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Cal Pen Code § 26155 (2012)

§ 26155. License to carry concealed weapon; Issuance by chief of police

(a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the chief or other head of a municipal police department of any city or city and 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 that city.
- (4) The applicant has completed a course of training as described in Section 26165.

(b) The chief or other head of a municipal police department 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 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 only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) Nothing in this chapter 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 chapter.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.

NOTES:**Note**

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Subdivisions (a) and (b) of Section 26155 continue former Section 12050(a)(1)(B) without substantive change.

Subdivision (c) continues former Section 12050(g) without substantive change.

See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person," "pistol," and "revolver").

Collateral References:

2 Witkin Cal. Evidence (4th ed) Witnesses § 295.

Cal. Legal Forms, (Matthew Bender) § 92.40[8].

Attorney General's Opinions:

County Chief Probation Officer's authority, limited as it is to employment related conduct, cannot prohibit off-duty deputy probation officer from carrying concealed firearm; holding status of duly appointed peace officer, deputy probation officer need not obtain license to carry concealed firearm. *72 Ops. Cal. Atty. Gen. 167.*

The Director of Toxic Substances Control may prohibit a non-peace officer employee from carrying a firearm while at work, including an employee who has a license to carry a firearm. *81 Ops. Cal. Atty. Gen. 63.*

NOTES TO DECISIONS

Editor's Notes For Decisions Under Former Pen C § 12050, see current *Pen C § 26150*.

Hierarchy Notes:

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Cal Pen Code § 26160 (2012)

§ 26160. Written policy on issuing licenses

Each licensing authority shall publish and make available a written policy summarizing the provisions of Section 26150 and subdivisions (a) and (b) of Section 26155.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.

NOTES:

Note

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:

2010

Section 26160 continues former Section 12050.2 without substantive change.

Hierarchy Notes:

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Cal Pen Code § 26165 (2012)

§ 26165. Course of training contents

(a) For new license applicants, the course of training for issuance of a license under Section 26150 or 26155 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.

(b) Notwithstanding subdivision (a), 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.

(c) 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. No course of training shall be required for any person certified by the licensing authority as a trainer for purposes of this section, in order for that person to renew a license issued pursuant to this article.

(d) The applicant shall not be required to pay for any training courses prior to the determination of good cause being made pursuant to Section 26202.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.
Amended Stats 2011 ch 741 § 1 (SB 610), effective January 1, 2012.

NOTES:**Amendments:****2011 Amendment:**

Added subd (d).

Note

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Section 26165 continues former Section 12050(a)(1)(E) without substantive change.

See Section 16520 ("firearm").

Law Review Articles:

The Right to Know: An Approach to Gun Licenses and Public Access to Government Records. *56 UCLA LR 1579*.

Local Gun Bans in California: A Futile Exercise. *41 USF LR 333*.

Hierarchy Notes:

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Cal Pen Code § 26170 (2012)

§ 26170. License to carry concealed weapon for deputized persons

(a) Upon proof of all of the following, the sheriff of a county, or the chief or other head of a municipal police department of any city or city and county, may issue to an applicant a license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person:

- (1) The applicant is of good moral character.
- (2) Good cause exists for issuance of the license.

(3) The applicant 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.

(b) Direct or indirect fees for the issuance of a license pursuant to this section may be waived.

(c) 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 section, and shall not be considered for the purpose of issuing a license pursuant to Section 26150 or 26155.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.

NOTES:**Note**

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Section 26170 continues former Section 12050(a)(1)(C) without substantive change.

See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person," "pistol," and "revolver").

Collateral References:

2 Witkin Cal. Evidence (4th ed) Witnesses § 295.

Cal. Legal Forms, (Matthew Bender) § 92.40[8].

Law Review Articles:

The Right to Know: An Approach to Gun Licenses and Public Access to Government Records. *56 UCLA LR 1579.*

Local Gun Bans in California: A Futile Exercise. *41 USF LR 333.*

Attorney General's Opinions:

County Chief Probation Officer's authority, limited as it is to employment related conduct, cannot prohibit off-duty deputy probation officer from carrying concealed firearm; holding status of duly appointed peace officer, deputy probation officer need not obtain license to carry concealed firearm. *72 Ops. Cal. Atty. Gen. 167.*

The Director of Toxic Substances Control may prohibit a non-peace officer employee from carrying a firearm while at work, including an employee who has a license to carry a firearm. *81 Ops. Cal. Atty. Gen. 63.*

Hierarchy Notes:

Pt. 6 Note

NOTES OF DECISIONS

Decisions Under Former Law

1. Good Cause 2. Private Investigators 3. Relation to Other Laws

1. Good Cause

An application for a concealed firearm license (*Pen C § 12050*) was properly denied by a police department on grounds that the applicant had not made a showing of good cause, even though the applicant was one of several named plaintiffs in successful earlier litigation challenging the department's practices for issuing such licenses, since the criteria adopted by the department in the earlier judgment were the same as those set forth in § 12050. Thus, the applicant was required to establish the existence of good cause; nothing required the department to renew the plaintiff's license without a current showing of good cause. *Gifford v. City of Los Angeles* (2001, *Cal App 2d Dist*) 88 *Cal App 4th* 801, 106 *Cal Rptr 2d* 164, 2001 *Cal App LEXIS* 312.

2. Private Investigators

The trial court erred in sustaining a demurrer to the petition of licensed private investigators who sought to compel the county sheriff to grant their applications for permission to carry concealed weapons pursuant to *Pen C § 12050*, which provides for such an authorization if the applicant is of good moral character, shows good cause, and is a resident of the county, where the petition alleged good moral character and residency and it was admitted that no inquiry into the existence of good cause had been made, and where the sheriff's failure to exercise his discretion under the statute was demonstrated by his admitted determination in advance, as a uniform rule, that only selected public officials could show good cause. *Salute v. Pitchess* (1976, *Cal App 2d Dist*) 61 *Cal App 3d* 557, 132 *Cal Rptr* 345, 1976 *Cal App LEXIS* 1834.

3. Relation to Other Laws

San Francisco's voter-enacted gun control ordinance, including a ban on possession of handguns by most residents, is preempted by state law because it would have invalidated all licenses possessed by city residents to carry a concealed weapon issued under *Pen C § 12050*. *Fiscal v. City & County of San Francisco* (2008, *1st Dist*) 2008 *Cal App LEXIS* 21.

Because defendant county's policy for issuing concealed carry licenses under *Pen C § 12050* would pass constitutional muster even if it burdened protected conduct, the court did not need to decide whether the Second Amendment encompassed plaintiffs' asserted right to carry a loaded handgun in public. *Peruta v. County of San Diego* (2010, *SD Cal*) 2010 *US Dist LEXIS* 130878.

Fact that a person is required to obtain a permit pursuant to *Pen C § 12050* to carry a concealed firearm does not compel the conclusion that he or she is deprived of an alternate means of exercising his or her right to bear arms. *People v. Ellison* (2011, *4th Dist*) 2011 *Cal App LEXIS* 842.



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Cal Pen Code § 26175 (2012)

§ 26175. Requirements of application

(a)

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

(2) The Attorney General shall convene a committee composed of one representative of the California State Sheriffs' Association, one representative of the California Police Chiefs Association, and one representative of the Department of Justice to review, and as deemed appropriate, revise the standard application form for licenses. The committee shall meet for this purpose if two of the committee's members deem that necessary.

(b) The application shall include a section summarizing the statutory provisions of state law that result in the automatic denial of a license.

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

(d) Applications for licenses shall be filed in writing and signed by the applicant.

(e) Applications for amendments to licenses shall be filed in writing and signed by the applicant, and shall state what type of amendment is sought pursuant to Section 26215 and the reason for desiring the amendment.

(f) The forms shall contain a provision whereby the applicant attests to the truth of statements contained in the application.

(g) An applicant shall not be required to complete any additional application or form for a license, or to provide any information other than that necessary to complete the standard application form described in subdivision (a), except to clarify or interpret information provided by the applicant on the standard application form.

(h) The standard application form described in subdivision (a) is deemed to be a local form expressly exempt from the requirements of the Administrative Procedures Act (Chapter 3.5 (commencing with *Section 11340*) of *Part 1 of Division 3 of Title 2 of the Government Code*).

(i) Any license issued upon the application shall set forth the licensee's name, occupation, residence and business address, the licensee's age, height, weight, color of eyes and hair, and the reason for desiring a license to carry the weapon, and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacturer, the serial number, and the caliber. The license issued to the licensee may be laminated.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.
Amended Stats 2011 ch 296 § 232 (AB 1023), effective January 1, 2012.

NOTES:

Amendments:

2011 Amendment:

(1) Substituted "California Police Chiefs Association" for "California Police Chiefs' Association" in the first sentence of subd (a)(2); (2) added the comma after "occupation, residence" in subd (c); and (3) added the opening parenthesis before "Chapter 3.5" and the closing parenthesis after "Government Code" in subd (h).

Note

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Subdivision (a) of Section 26175 continues the first, second, and third sentences of former Section 12051(a)(3)(A) without substantive change.

Subdivision (b) continues the fourth sentence of former Section 12051(a)(3)(A) without substantive change.

Subdivision (c) continues the first sentence of former Section 12051(a)(1) without substantive change.

Subdivision (d) continues the second sentence of former Section 12051(a)(1) without substantive change.

Subdivision (e) continues former Section 12051(a)(2) without substantive change.

Subdivision (f) continues former Section 12051(a)(3)(B) without substantive change.

Subdivision (g) continues former Section 12051(a)(3)(C) without substantive change.

Subdivision (h) continues former Section 12051(a)(3)(D) without substantive change.

Subdivision (i) continues the third and fourth sentences of former Section 12051(a)(1) without substantive change.

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Cal Pen Code § 26180 (2012)

§ 26180. False statements on application

(a) Any person who files an application required by Section 26175 knowing that any statement contained therein is false is guilty of a misdemeanor.

(b) Any person who knowingly makes a false statement on the application regarding any of the following is guilty of a felony:

(1) The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to this article.

(2) A criminal conviction.

(3) A finding of not guilty by reason of insanity.

(4) The use of a controlled substance.

(5) A dishonorable discharge from military service.

(6) A commitment to a mental institution.

(7) A renunciation of United States citizenship.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.

NOTES:**Note**

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Subdivision (a) of Section 26180 continues former Section 12051(b) without substantive change.

Subdivision (b) continues former Section 12051(c) without substantive change.

Attorney General's Opinions:

Records of state summary criminal information contained in concealed weapons permit records of a sheriff may not be disclosed to the public. The records of the sheriff's investigation of the qualification and fitness of an applicant for a concealed weapon permit are exempt from public disclosure by *Government Code*, § 6254(f). The application for and record of a permit for a concealed weapon are open to public inspection unless they contain exceptional information by which the sheriff can demonstrate that the public interest served by not making such records public clearly outweighs the public interest in their disclosure as provided in *Government Code*, § 6255. 62 *Ops. Cal. Atty. Gen.* 595.

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Cal Pen Code § 26185 (2012)

§ 26185. Fingerprints upon application

(a)

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

(2) Upon receipt of the fingerprints and the fee as prescribed in Section 26190, the department shall promptly furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office, including information as to whether the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(3) No license shall be issued by any licensing authority until after receipt of the report from the department.

(b) Notwithstanding subdivision (a), if the license applicant has previously applied to the same licensing authority for a license to carry firearms pursuant to this article and the applicant's fingerprints and fee have been previously forwarded to the Department of Justice, as provided by this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the Department of Justice on the copy of any subsequent license submitted to the department in conformance with Section 26225 and no additional application form or fingerprints shall be required.

(c) If the license applicant has a license issued pursuant to this article and the applicant's fingerprints have been previously forwarded to the Department of Justice, as provided in this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the Department of Justice on the copy of any subsequent license submitted to the department in conformance with Section 26225 and no additional fingerprints shall be required.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.

NOTES:**Note**

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Section 26185 continues former Section 12052 without substantive change.

See Section 16520 ("firearm").

Cross References:

Requirement that Attorney General keep record of fingerprints, applications, etc., with reference to licenses to carry concealed weapons: *Pen C § 11106*.

Hierarchy Notes:

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Cal Pen Code § 26190 (2012)

§ 26190. Fee

(a)

(1) Each applicant for a new license or for the renewal of a license shall pay at the time of filing the application a fee determined by the Department of Justice. The fee shall not exceed the application processing costs of the Department of Justice for the direct costs of furnishing the report required by Section 26185.

(2) After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget.

(3) The officer receiving the application and the fee shall transmit the fee, with the fingerprints if required, to the Department of Justice.

(b)

(1) The licensing authority of any city, city and county, or county may charge an additional fee in an amount equal to the actual costs for processing the application for a new license, including any required notices, excluding fingerprint and training costs, but in no case to exceed one hundred dollars (\$100), and shall transmit the additional fee, if any, to the city, city and county, or county treasury.

(2) The first 20 percent of this additional local fee may be collected upon filing of the initial application. The balance of the fee shall be collected only upon issuance of the license.

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

(d) These local fees may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(e)

(1) In the case of an amended license pursuant to Section 26215, the licensing authority of any city, city and county, or county may charge a fee, not to exceed ten dollars (\$10), for processing the amended license.

(2) This fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(3) The licensing authority shall transmit the fee to the city, city and county, or county treasury.

(f)

(1) If psychological testing on the initial application is required by the licensing authority, the license applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. The applicant may be charged for the actual cost of the testing in an amount not to exceed one hundred fifty dollars (\$150).

(2) 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 to the applicant for this additional testing shall not exceed one hundred fifty dollars (\$150).

(g) Except as authorized pursuant to this section, no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant, or requires the to obtain liability insurance, may be imposed by any licensing authority as a condition of the application for a license.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.
Amended Stats 2011 ch 741 § 2 (SB 610), effective January 1, 2012.

NOTES:

Amendments:

2011 Amendment:

(1) Added "including any required notices," in subd (b)(1); and (2) ", or requires the to obtain liability insurance," in subd (g).

Note

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Subdivision (a) of Section 26190 continues the first, second, and third sentences of the first paragraph of former Section 12054(a) without substantive change.

Subdivision (b) continues the fourth, fifth, and sixth sentences of the first paragraph of former Section 12054(a) without substantive change.

Subdivision (c) continues the first sentence of the second paragraph of former Section 12054(a) without substantive change.

Subdivision (d) continues the second sentence of the second paragraph of former Section 12054(a) without substantive change.

Subdivision (e) continues former Section 12054(b) without substantive change.

Subdivision (f) continues former Section 12054(c) without substantive change.

Subdivision (g) continues former Section 12054(d) without substantive change.

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Cal Pen Code § 26195 (2012)

§ 26195. Denial or revocation of license

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

(b)

(1) A license under this article 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 prohibited by state or federal law from owning or purchasing firearms, or the local licensing authority determines that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2) If at any time the Department of Justice determines that a licensee is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm, 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 26225. The licensee shall also be immediately notified of the revocation in writing.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.

NOTES:**Note**

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Subdivision (a) of Section 26195 continues former Section 12050(d) without substantive change.

Subdivision (b) continues former Section 12050(e) without substantive change.

Law Review Articles:

The Right to Know: An Approach to Gun Licenses and Public Access to Government Records. *56 UCLA LR 1579.*

Local Gun Bans in California: A Futile Exercise. *41 USF LR 333.*

Attorney General's Opinions:

County Chief Probation Officer's authority, limited as it is to employment related conduct, cannot prohibit off-duty deputy probation officer from carrying concealed firearm; holding status of duly appointed peace officer, deputy probation officer need not obtain license to carry concealed firearm. *72 Ops. Cal. Atty. Gen. 167.*

The Director of Toxic Substances Control may prohibit a non-peace officer employee from carrying a firearm while at work, including an employee who has a license to carry a firearm. *81 Ops. Cal. Atty. Gen. 63.*

NOTES TO DECISIONS

Editor's Notes

For Decisions Under Former Pen C § 12050, see current *Pen C* § 26150.

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Cal Pen Code § 26200 (2012)

§ 26200. Restrictions on license

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

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

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.

NOTES:

Note

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Subdivision (a) of Section 26200 continues former Section 12050(b) without substantive change.

Subdivision (b) continues former Section 12050(c) without substantive change.

See Section 16530 ("firearm capable of being concealed upon the person," "pistol," and "revolver").

Law Review Articles:

The Right to Know: An Approach to Gun Licenses and Public Access to Government Records. *56 UCLA LR 1579*.

Local Gun Bans in California: A Futile Exercise. *41 USF LR 333*.

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Cal Pen Code § 26202 (2012)

§ 26202. Determinations of good cause; Written notice

Upon making the determination of good cause pursuant to Section 26150 or 26155, the licensing authority shall give written notice to the applicant of the licensing authority's determination. If the licensing authority determines that good cause exists, the notice shall inform the applicants to proceed with the training requirements specified in Section 26165. If the licensing authority determines that good cause does not exist, the notice shall inform the applicant that the request for a license has been denied and shall state the reason from the department's published policy, described in Section 26160, as to why the determination was made.

HISTORY:

Added Stats 2011 ch 741 § 3 (SB 610), effective January 1, 2012.

NOTES:

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Cal Pen Code § 26205 (2012)

§ 26205. Notice of decision on granting license

The licensing authority shall give written notice to the applicant indicating if the license under this article is approved or denied. The licensing authority shall give this notice 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. If the license is denied, the notice shall state which requirement was not satisfied.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.
Amended Stats 2011 ch 741 § 4 (SB 610), effective January 1, 2012.

NOTES:

Amendments:

2011 Amendment:

Added the last sentence.

Note

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Section 26205 continues former Section 12052.5 without substantive change.

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Cal Pen Code § 26210 (2012)

§ 26210. Change of address of licensee

(a) When a licensee under this article has a change of address, the license shall be amended to reflect the new address and a new license shall be issued pursuant to subdivision (b) of Section 26215.

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

(c) If both of the following conditions are satisfied, a license to carry a concealed handgun may not be revoked solely because the licensee's place of residence has changed to another county:

(1) The licensee has not breached any of the conditions or restrictions set forth in the license.

(2) The licensee has not become prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(d) Notwithstanding subdivision (c), if a licensee's place of residence was the basis for issuance of a license, any license issued pursuant to Section 26150 or 26155 shall expire 90 days after the licensee moves from the county of issuance.

(e) 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 upon a change of the licensee's place of residence to another county.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.

NOTES:**Note**

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Subdivision (a) of Section 26210 continues former Section 12050(f)(2) without substantive change.

Subdivision (b) continues former Section 12050(f)(4)(A) without substantive change.

Subdivisions (c) and (d) continue former Section 12050(f)(4)(B) without substantive change.

Subdivision (e) continues former Section 12050(f)(4)(C) without substantive change.

See Section 16530 ("firearm capable of being concealed upon the person," "pistol," and "revolver").

Law Review Articles:

The Right to Know: An Approach to Gun Licenses and Public Access to Government Records. *56 UCLA LR 1579*.

Local Gun Bans in California: A Futile Exercise. *41 USF LR 333*.

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Cal Pen Code § 26215 (2012)

§ 26215. Amendment of license

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

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

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

(3) 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 only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(4) 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.

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

(c) 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.

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

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.

NOTES:**Note**

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:**2010**

Subdivision (a) of Section 26215 continues former Section 12050(f)(1) without substantive change.

Subdivision (b) continues former Section 12050(f)(3) without substantive change.

Subdivision (c) continues former Section 12050(f)(5) without substantive change.

Subdivision (d) continues former Section 12050(f)(6) without substantive change.

See Section 16530 ("firearm capable of being concealed upon the person," "pistol," and "revolver").

Law Review Articles:

The Right to Know: An Approach to Gun Licenses and Public Access to Government Records. *56 UCLA LR 1579*.

Local Gun Bans in California: A Futile Exercise. *41 USF LR 333*.

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Cal Pen Code § 26220 (2012)

§ 26220. Time limit for license

(a) Except as otherwise provided in this section and in subdivision (c) of Section 26210, a license issued pursuant to Section 26150 or 26155 is valid for any period of time not to exceed two years from the date of the license.

(b) If the licensee's place of employment or business was the basis for issuance of a license pursuant to Section 26150, 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 the licensee 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.

(c) A license issued pursuant to Section 26150 or 26155 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:

- (1) A judge of a California court of record.
- (2) A full-time court commissioner of a California court of record.

(3) A judge of a federal court.

(4) A magistrate of a federal court.

(d) A license issued pursuant to Section 26150 or 26155 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 article does not limit the validity of the license to a shorter time period.

(e) A license issued pursuant to Section 26170 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 article does not limit the validity of the license to a shorter time period.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.

NOTES:

Note

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:

2010

Subdivision (a) of Section 26220 continues former Section 12050(a)(2)(A)(i) without substantive change.

Subdivision (b) continues former Section 12050(a)(2)(A)(ii) without substantive change.

Subdivision (c) continues former Section 12050(a)(2)(C) without substantive change.

Subdivision (d) continues former Section 12050(a)(2)(D) without substantive change.

Subdivision (e) continues former Section 12050(a)(2)(B) without substantive change.

Law Review Articles:

The Right to Know: An Approach to Gun Licenses and Public Access to Government Records.
56 UCLA LR 1579.

Local Gun Bans in California: A Futile Exercise. *41 USF LR 333.*

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Cal Pen Code § 26225 (2012)

§ 26225. Maintenance of records regarding licenses

(a) A record of the following shall be maintained in the office of the licensing authority:

- (1) The denial of a license.
- (2) The denial of an amendment to a license.
- (3) The issuance of a license.
- (4) The amendment of a license.
- (5) The revocation of a license.

(b) Copies of each of the following shall be filed immediately by the issuing officer or authority with the Department of Justice:

- (1) The denial of a license.
- (2) The denial of an amendment to a license.
- (3) The issuance of a license.
- (4) The amendment of a license.
- (5) The revocation of a license.

(c)

(1) 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 pursuant to Section 26170, and to judges pursuant to Section 26150 or 26155.

(2) The Attorney General shall collect and record the information submitted pursuant to this subdivision by county and licensing authority.

HISTORY:

Added Stats 2010 ch 711 § 6 (SB 1080), effective January 1, 2011, operative January 1, 2012.

NOTES:

Note

Stats 2010 ch 711 provides:

SEC. 10. Sections 7 and 9 of this act become operative on January 1, 2011. The remainder of this act becomes operative on January 1, 2012.

Law Revision Commission Comments:

2010

Section 26225 continues former Section 12053 without substantive change.

Cross References:

Attorney General's obligation to keep records of fingerprints, applications, etc., in connection with licenses to carry concealed weapons: *Pen C § 11106*.

Collateral References:

2 Witkin Cal. Evidence (4th ed) Witnesses § 295.

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