
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

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Author: Berman
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Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Firearms*

HISTORY

Source: Department of Justice

Prior Legislation: AB 1483 (Valencia), Ch. 246, Stats. of 2023
AB 1133 (Schiavo), held in Senate Appropriations, 2023
SB 2 (Portantino), Ch. 249, Stats. of 2023
SB 918 (Portantino), failed on Assembly Floor, 2022
AB 1621 (Gipson) Ch. 76, Stats. of 2022
SB 715 (Portantino), Ch. 250, Stats. of 2021
SB 941 (Portantino), vetoed by Governor, 2020
SB 914 (Portantino), held due to COVID-19, 2020
SB 118 (Committee on Budget), Ch. 29, Stats. of 2020
AB 879 (Gipson), Ch. 730, Stats. of 2019
AB 376 (Portantino) Ch. 738, Stats. of 2019
SB 746 (Portantino), Ch. 780, Stats. of 2018

Support: California Moms Demand Action; Everytown for Gun Safety Action Fund;
Giffords Law Center to Prevent Gun Violence; Students Demand Action for Gun
Sense in America

Opposition: Gun Owners of California, Inc.

Assembly Floor Vote: 57 - 19

PURPOSE

The purpose of this bill is to make various changes to California's concealed carry license (CCW) laws, to increase the number of firearms an individual may buy in a 30-day period from one to three, and to make California's lifetime firearm ban for felony convictions inapplicable to specified nonviolent felony convictions that occurred outside California.

Existing law generally prohibits the possession of firearms in most public areas, with specified exceptions. (Pen. Code, §§ 25300 et seq.)

Existing law exempts persons with CCW licenses from the laws prohibiting possessing a firearm in a public area. (Pen. Code, § 25655.)

Existing law provides that knowingly possessing a firearm, imitation firearm, and other specified devices in a public transit facility is a misdemeanor punishable by imprisonment in county jail for up to six months, a fine of up to \$1,000, or both. (Pen. Code, § 171.7, subd. (b).)

This bill specifies that the prohibition against carrying a firearm in a public transit facility does not apply to a person transporting an unloaded firearm locked in a lock box that is compliant with requirements regarding such lock boxes.

Existing law provides that when a person applies for a new CCW license or license renewal, the sheriff of a county or the chief or other head of a municipal police department of any city or city and county shall issue or renew a license to that person upon proof of all of the following:

- The applicant is not a disqualified person to receive such a license, as defined.
- The applicant is at least 21 years of age, and presents clear evidence of the person's identity and age, as defined.
- 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.
- The applicant has completed a course of training, as defined.
- The applicant is the recorded owner, with the Department of Justice (DOJ), of the pistol, revolver, or other firearm for which the license will be issued. (Pen. Code, §§ 26150, subd. (a)(1)-(5); 26155, subd. (a)(1)-(5).)

This bill specifies that the requirements for a CCW listed above apply only to California residents.

This bill provides that when a non-California resident applies for a new CCW license or license renewal, the sheriff of a county or the chief of a municipal police department shall issue or renew a license to that non-California resident subject to the following conditions:

- The applicant is not a disqualified person to receive the license, in accordance with California law and all comparable statutes and provisions of law of the nonresident applicant's state of residence.
- The applicant is at least 21 years of age and presents "clear evidence of their identity, age, and state of residence," which means either a valid driver's license from their state of residence or a valid out-of-state ID card issued by the Department of Motor Vehicles.
- The applicant attests under oath that the jurisdictions which they have applied is the primary location in California in which they intend to travel or spend time.

- The applicant has completed a course of training that meets specified criteria for each firearm for which the applicant is applying to be licensed to carry in California, as specified.
- The applicant has completed live-fire shooting exercises for each firearm, as specified.
- The applicant has identified on the application the make, model, caliber and serial number for each firearm; identification of a firearm that cannot be lawfully carried or possessed in California shall be cause for denial of a license.

Existing law provides that prior to the issuance of a license, renewal of a license, or amendment to a license, each licensing authority with direct access to the designated DOJ system shall determine if the applicant is the recorded owner of the particular pistol, revolver, or other firearm capable of being concealed upon the person reported in the application for a license or the application for the amendment to a license. (Pen. Code, § 26162, subd. (a).)

Existing law provides that an agency with direct access to the designated DOJ system shall confirm the applicant's information with firearm ownership maintained in the system. An agency without access to the system shall confirm this information with the sheriff of the county in which the agency is located. (Pen. Code, § 26162, subd. (b).)

Existing law states that upon issuance of the notice, the licensing authority shall submit to the DOJ fingerprint images and related information required by the DOJ for each CCW license applicant, and requires the DOJ to provide a state or federal response to the licensing authority. (Pen. Code, § 26185, subd. (a)(1).)

Existing law provides that upon receipt of the fingerprints of an applicant for a new license, the DOJ must promptly furnish the licensing authority with information as to whether the person is prohibited by state or federal law from possessing or purchasing a firearm, and requires DOJ to notify the licensing authority if it is unable to ascertain the specified information about the applicant. (Pen. Code, § 26185, subd. (a)(2).)

Existing law specifies that for each new applicant, the DOJ shall promptly furnish the licensing authority a criminal history report pertaining to the applicant. (Pen. Code, § 26185, subd. (a)(2).)

Existing law provides that for each applicant for a renewal license, upon issuance of the notice, the licensing authority shall submit to the DOJ the renewal notification, as defined. (Pen. Code, § 26185, subd. (b)(1).)

Existing law states that for each applicant for a renewal license, the DOJ shall determine whether the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm. (Pen. Code, § 26185, subd. (c)(1).)

Existing law states that for each applicant for a renewal license whose renewal notification is submitted to DOJ prior to September 1, 2026, DOJ shall determine whether the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm and notify the licensing agency in a manner to be prescribed through regulations. (Pen. Code, §

26185, subd. (c)(2).)

Existing law establishes that for each applicant for a renewal license whose renewal notification is submitted to the DOJ on or after September 1, 2026, upon receipt of the applicant's fingerprints, the DOJ shall promptly furnish the licensing authority information as to whether the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm. For each applicant for a renewal license, the DOJ must furnish the licensing authority with a criminal history report. (Pen. Code, § 26185, subd. (c)(3).)

This bill strikes the requirements that the DOJ, for each applicant for a new or renewal license, must promptly furnish the licensing authority a criminal history report pertaining to the applicant.

This bill specifies that no renewal license shall be issued by any licensing authority unless the DOJ confirms the applicant's eligibility to possess, receive, own, or purchase a firearm, as specified.

Existing law provides that an 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 DOJ, as provided. (Pen. Code, § 26190, subd. (a)(1).)

Existing law requires the licensing authority of any city, city and county, or county to charge an additional fee in an amount equal to the reasonable costs for processing the application for a new license or a license renewal, issuing the license, and enforcing the license, as provided. (Pen. Code, § 26190, subd. (b)(1).)

Existing law states that if a psychological assessment on the initial application is required by the licensing authority, the license applicant shall be referred to a licensed psychologist acceptable to the licensing authority. The applicant may be charged for the actual cost of the assessment. In no case shall the amount charged to the applicant for the psychological assessment exceed the reasonable costs to the licensing authority. (Pen. Code, § 26190, subd. (e)(1).)

Existing law specifies that additional psychological assessment of an applicant seeking license renewal shall be required only if there is compelling evidence of a public safety concern to indicate that an assessment is necessary. The applicant may be charged for the actual cost of the assessment. In no case shall the cost of psychological assessment exceed the reasonable costs to the licensing authority. (Pen. Code, § 26190, subd. (e)(2).)

This bill specifies that for a non-resident applicant, the licensing authority may either allow the applicant to complete a virtual psychological assessment, where the applicant appears by video or audio, or approve an examination provider located within 75 miles of the applicant's residence.

Existing law states that a CCW shall not be issued if the DOJ determines that the person is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm. (Pen. Code, § 26195, subd. (a).)

Existing law states that a CCW shall be revoked by the local licensing authority if at any time either the local licensing authority determines or is notified by the DOJ of any of the following:

- A licensee is prohibited by state or federal law from owning or purchasing a firearm.
- A licensee has breached any of several specified conditions or restrictions to which CCW licensees are subject while carrying a firearm.
- Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.
- A licensee has become a disqualified person and cannot receive such a license, as determined in accordance with the standards set forth in Section 26202. (Pen. Code, § 26195, subd. (c)(1)(A)-(D).)

Existing law provides that if the local licensing authority revokes the license, the DOJ shall be notified of the revocation. The licensee shall also be immediately notified of the revocation in writing. (Pen. Code, § 26195, subd. (c)(3).)

This bill provides that a CCW shall not be issued and an existing CCW shall be revoked if an applicant provides any inaccurate or incomplete information in connection with an application for a license or license renewal or an application to amend a license.

This bill provides that a CCW holder shall inform the local licensing authority that issued the license of any restraining order or arrest, charge, or conviction of a crime, as specified.

This bill provides that if at any time the DOJ determines that a licensee is prohibited by state or federal laws from possessing, receiving, owning, or purchasing a firearm, the DOJ shall immediately, but no longer than 15 days after the determination, notify the local licensing authority of the determination.

Existing law establishes that, unless a court makes a contrary determination, an applicant shall be deemed to be a disqualified person and cannot receive or renew a license if, among other things, the applicant is reasonably likely to be dangerous, has been convicted of specified crimes, has engaged in the reckless use of a firearm, or is currently abusing any controlled substance, as specified. (Pen. Code, § 26202, subd. (a)(1)-(10).)

Existing law states that in determining whether an applicant is a disqualified person and cannot receive or renew a license, the licensing authority shall conduct an investigation that includes, among other things, an in-person interview unless otherwise stated, interviews with three character witnesses, and a review of information provided by DOJ. (Pen. Code, § 26202, subd. (b)(1)-(6).)

Existing law provides that in determining whether an applicant is a disqualified person and cannot receive or renew a license, nothing prevents the licensing authority from engaging in investigative efforts in addition to those defined. (Pen. Code, § 26202, subd. (c).)

Existing law establishes that within 90 days of receiving the completed application for a new license or a license renewal, the licensing authority shall give written notice to the applicant of the licensing authority's initial determination, based on its investigation thus far, of whether an applicant is a disqualified person. (Pen. Code, § 26202, subd. (d)(1)-(2).)

This bill provides that unless a court makes a contrary determination, as specified, an applicant shall also be deemed to be a disqualified person if the applicant satisfies any one or more of the following:

- They have been convicted of any federal law or law of any other state that includes comparable elements of contempt of court under California law.
- They have been subject to a restraining order or protective order under any federal law or law of any other state that includes comparable elements of specified restraining and protective orders in California law, unless the order expired or was vacated or canceled more than five years prior to the licensing authority receiving the application, or the order expired or was vacated or cancelled and the applicant did not receive notice and an opportunity to be heard before the order was issued.
- They were subject to a restraining order or protective order under California law, unless the order expired or was vacated or otherwise cancelled and the applicant did not receive notice and an opportunity to be heard before the order was issued.
- They have been convicted of a federal offense or offense under the laws of another state, the elements are comparable to specified California offenses, including serious and violent felonies, crimes requiring sex offender registration, crimes resulting in a 10-year ban on the purchase or possession of firearms, and crimes involving criminal threats.
- They are an unlawful user of, or addicted to, any controlled substance, as described in specified federal laws and regulations.
- For the purposes of these disqualifying provisions, the term “abusing” means excessive use or consumption reflecting that the applicant has lost the power of self-control with reference to the controlled substance or alcohol.

This bill provides that, for a non-resident applicant, the investigation conducted by the licensing authority to determine whether an applicant is a disqualified person must include an in-person interview of the applicant or a virtual interview of the applicant, where the applicant appears by video and audio, at the applicant's election.

This bill specifies that an investigation conducted by the licensing authority for any applicant must include a review of specified information indicating whether the applicant is reasonably likely to be a danger to self, others, or the community at large, or that the applicant is otherwise a disqualified person because they have been the subject of a restraining order.

This bill specifies that the initial determination made by the licensing authority that the person is not a disqualified person shall include a final determination as to whether the applicant is or is

not a disqualified person due to being an unlawful user of, or addicted to, any controlled substance.

This bill provides that upon determining that the applicant is a disqualified person due to being an unlawful user of, or addicted to, any controlled substance, as described in specified provisions of federal law, the licensing authority shall, within five, days, submit to the National Instant Criminal Background Check System, specified information regarding the applicant, as provided.

Existing law provides that the licensing authority shall give written notice – within 120 of receiving the applicant for a new license or 30 days after receipt of specified information from DOJ, whichever is later – to the applicant indicating if the CCW is approved or denied. (Pen. Code, § 26205.)

Existing law states that if a new license or license renewal is denied or revoked based on a determination that the applicant is a disqualified person for such a license, the licensing authority shall provide the applicant with the notice of this determination stating the reason for the determination. (Pen. Code, § 26206, subd. (a).)

Existing law provides that an applicant shall have 30 days after the receipt of the notice of denial to request a hearing to review the denial or revocation from the superior court of their county of residence. (Pen. Code, § 26206, subd. (c)(1)-(2).)

Existing law states that an applicant who has requested a hearing shall be given a hearing. (Pen. Code, § 26206, subd. (d)(1).)

Existing law provides that the court shall set the hearing within 60 days of receipt of the request for a hearing. Upon showing good cause, the district attorney shall be entitled to a continuance not to exceed 30 days after the district attorney was notified of the hearing date by the clerk of the court. If additional continuances are granted, the total length of time for continuances shall not exceed 60 days. (Pen. Code, § 26206, subd. (d)(2).)

Existing law provides that ~~the~~ the people shall bear the burden of showing by a preponderance of the evidence that the applicant is a disqualified person. (Pen. Code, § 26206, subd. (e).)

Existing law provides that if the court finds that the people have met their burden to show by a preponderance of the evidence that the applicant is a disqualified person, the court shall inform the person of their right to file a subsequent application for a license no sooner than two years from the date of the hearing. (Pen. Code, § 26206, subd. (g).)

This bill provides that non-resident applicants must request a hearing to review the denial or revocation of a CCW from the county in which the application was submitted.

This bill provides that for the purposes of CCW revocations or denials based on a determination that the applicant is a disqualified person, the term “criminal history report” is defined as specified information provided by the DOJ as well as firearms eligibility notices or any other information subsequently provided to the licensing authority regarding the applicant.

Existing law provides that the office of the licensing authority shall maintain specified records, such as a denial of a license, the issuance of a license, the amendment of a license, the revocation of a license, and others, and that copies of specified documents shall be filed with the DOJ. (Pen. Code, § 26225.)

Existing law provides that a person granted a CCW license shall not carry a firearm on or into several specified areas, including a 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 supported in whole or in part with public funds. (Pen. Code, § 26230, subd. (a)(1)-(29), (a)(8).)

This bill provides that if a licenseholder fails to submit an application for renewal within 90 days of the expiration of their license, the licensing authority shall immediately request that the DOJ terminate state or federal subsequent notification, as specified.

This bill specifies that a person granted a CCW may carry a firearm on a 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 as long as the firearm is unloaded and locked in a lock box which is approved by the DOJ as a firearm safety device, as specified.

Existing law prohibits a person from making an application to purchase more than one firearm within any 30-day period, except as specified. (Pen. Code, § 27535, subds. (a)-(b).)

Existing law requires licensed firearm dealers to post within the licensed premises several warnings, including the following: “No person shall make an application to purchase more than one firearm within any 30-day period and no delivery shall be made to any person who has made an application to purchase more than one firearm in a 30-day period.” (Pen. Code, § 26835, subd. (a)(8).)

Existing law provides that a firearm dealer shall not deliver a firearm to a person under specified circumstances and unless specified conditions are met, including whenever the dealer is notified by the DOJ that within the preceding 30-day period, the purchaser has made another application to purchase a handgun, semiautomatic centerfire rifle, completed frame or receiver, or firearm precursor part, and that the previous application to purchase did not involve any of the entities or circumstances exempt from the one-gun-a-month rule. (Pen. Code, § 27540.)

This bill prohibits a person from making an application to purchase one or more firearms that would result in the purchase of more than three firearms cumulatively within any 30-day period.

This bill prohibits a firearm dealer from delivering a firearm whenever the dealer is notified by the DOJ that the purchaser has made an application to purchase one or more firearms that would result in the purchase of more than three firearms cumulatively within the 30-day period preceding the date of the applications.

This bill requires firearms dealers to modify the notice posted on the licensed premises regarding the number of permissible firearm purchases that may be made per month, per the following: “No person shall make an application to purchase one or more firearms that would result in the purchase of more than three firearms cumulatively within any 3- day period and no delivery shall

be made to any person who has made an application to purchase one or more firearms that would result in the purchase of more than three firearms cumulatively within the 30-day period preceding the date of the application, inclusive.”

This bill specifies that its provisions regarding the number of permissible firearm purchases in a 30-day period are contingent upon an appellate ruling reversing the district court order and judgement in *Nguyen v. Bonta, S.D. Cal. No. 3:20-cv-02470*.

Existing law provides that any person who has been convicted of a felony under the laws of the United States, the State of California, or any other state, government, or country, or of an offense involving the violent use of a firearm or who is addicted to the use of any narcotic drug, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony. (Pen. Code, § 29800, subd. (a)(1).)

Existing law provides that any person who has two or more specified convictions related to making criminal threats and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony. (Pen. Code, § 29800, subd. (a)(2).)

Existing law provides that any person who has an outstanding warrant for any offense listed in this subdivision and who has knowledge of the outstanding warrant, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony. (Pen. Code, § 29800, subd. (a)(3).)

Existing law provides that the felon-in-possession firearm prohibition shall not apply to a conviction or warrant for a felony under the laws of the United States unless conviction of a like offense under California law can result in imposition of felony punishment. (Pen. Code, § 29800, subd. (c)(1).)

This bill specifies that the California law resulting in imposition of felony punishment must include comparable elements of the federal offense for a conviction or warrant for a felony under the laws of the United States to trigger the felon-in-possession prohibition.

This bill provides that the felon-in-possession prohibition does not apply to a conviction for a nonviolent felony under the laws of any other state if both of the following criteria are satisfied:

- The conviction has been vacated, set aside, expunged, or otherwise dismissed under the laws of the state where the defendant was convicted.
- If the conviction resulted in a firearms prohibition under the laws of the state where the defendant was convicted, the vacatur, set aside, expungement, or dismissal of the conviction restored firearms rights under the laws of that state.

This bill provides that the felon-in-possession prohibition also does not apply to a conviction for a nonviolent felony under the laws of any other state if both of the following criteria are satisfied:

- The person received a full and unconditional pardon by the Governor of the other state for the felony conviction and the pardon restores civil rights that include firearms rights.

- The person was never convicted of a felony involving the use of a dangerous weapon, as provided.

This bill, defines “nonviolent felony,” for the purposes of the felon-in-possession prohibition to mean an offense under the laws of another state that does not include a material element of California laws delineating serious and violent felonies, offenses involving the violent use of a firearm, and other violent offenses, as specified.

This bill specifies that an attempt, conspiracy or solicitation to commit an offense, or aiding and abetting an offense, under the laws of any other state that includes comparable elements constituting a serious or violent felony, an offense involving the violent use of a firearm, and other violent offenses, is *not* a “non-violent felony.”

This bill makes various technical and conforming changes.

COMMENTS

1. Need for This Bill

According to the Author:

California has long been a leader in implementing commonsense firearm laws, and these laws save lives. Recent Supreme Court decisions in *Bruen* and *Rahimi* created new constitutional standards for evaluating firearm regulations under the Second Amendment, leading to legal challenges that threaten critical aspects of California’s firearm safety laws. After *Bruen*, California followed Supreme Court guidance and enacted Senate Bill 2, expanding public carry while protecting public safety. Legal challenges to Senate Bill 2 and other California firearm laws are working through the courts, but the Legislature must be proactive in better aligning the State’s strong and effective firearms laws to evolving constitutional requirements and practical realities. AB 1078 responds to these challenges by amending California’s firearm laws to ensure they remain enforceable and effective. By addressing constitutional concerns and making the needed updates to our firearm laws, AB 1078 enhances public safety, prevents legal uncertainty, and protects California’s strong firearm laws from additional legal challenges.

2. Concealed Carry Licenses and Related Provisions of This Bill

In June of 2022, the United States Supreme Court issued its landmark ruling in *New York State Rifle and Pistol Association v. Bruen*, (2022) 597 U.S. 1 (hereinafter, “*Bruen*”), in which it invalidated a New York State law requiring applicants for a concealed carry license to show “proper cause,” or a special need distinguishable from the general public, as well as good moral character, when applying for license. In a 6-3 decision along ideological lines, the Court ruled that the New York law’s “proper cause” requirement was an unconstitutional violation of the Second Amendment, and that the “Second and Fourteenth Amendments protect an individual’s

right to carry a handgun for self-defense outside the home,” effectively establishing a constitutional right to publicly carry a firearm under the Second Amendment.¹

Moreover, the *Bruen* decision abrogated the existing two-part test established by the Court’s 2008 decision in *District of Columbia v. Heller* (2008) 554 U.S. 570, and established a new test for determining whether a law or regulation comports with the Second Amendment. Step one of that new test involves asking whether the Second Amendment’s plain text covers the individual conduct at issue.² Next, in defense of a law regulating firearms, the government must show more than that the regulation promotes an important governmental interest – rather, the law must be “consistent with this Nation’s historical tradition of firearm regulation.”³ Under the *Bruen* decision, “how and why the regulations burden a law-abiding citizen’s right to armed self-defense” matters, and further, “whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are ‘central’ considerations when engaging in an analogical inquiry.”⁴ Nevertheless, the Court made clear that regulations consistent with historical precedent, such as those that prohibit weapons in “sensitive places,” would likely pass constitutional muster.⁵

In 2024, the Supreme Court elucidated the Second Amendment framework established in *Bruen* when it handed down *United States v. Rahimi* (2024) 602 U.S. 680, in which it held that when an individual has been found by a court to pose a credible threat to the physical safety of another, that individual may be temporarily disarmed consistent with the Second Amendment.⁶ Further, the Court explained that the government need not identify a “historical twin” or “dead ringer” to justify a firearm regulation, and can instead demonstrate that it is consistent with historical principles that underpin the regulatory tradition.⁷

In reaching its decision in *Bruen*, the Court recognized that California was among the limited number of states that had an analogue to New York’s “proper cause” standard in their concealed carry laws, suggesting that California’s law was similarly unconstitutional. In response, the Legislature passed SB 2 (Portantino, Ch. 249, Stats. of 2023)⁸, which revised the state’s concealed carry laws to no longer require a showing of good cause or good moral character to obtain a CCW and prohibited the carrying of concealed weapons in several specified sensitive locations, including schools, government buildings, public transit, medical facilities, public parks, sporting facilities, places of worship, correctional institutions, and several others. Since their enactment, the provisions codified by SB 2 have been the subject of several constitutional challenges under the new *Bruen* standard, particularly on issues related to 1) CCW licenses and ex-parte protection orders 2) non-resident CCW applications, and 3) CCWs on public transportation.⁹ In an effort to modify California CCW law to better align with the constitutional

¹ *Id.* at 8.

² *Id.* at 22-23

³ *Id.* at p. 27-30

⁴ *Id.* at 29.

⁵ *Id.* at 29-30.

⁶ *Id.* at 685

⁷ *Id.* at 692

⁸ Like this measure, SB 2 was sponsored by the Department of Justice.

⁹ Protection order cases: *People v. Brownstein*, Cal. Ct. App. No. G064719, *Brownstein v. Orange County Sheriff’s Dept.*, C.D. Cal. No. 24-cv-00970; non-resident CCW application cases: *Cal. Rifle & Pistol Ass’n v. Los Angeles County Sheriff’s Dept.*, C.D. Cal. No. 23-cv-10169, *Hoffman v. Bonta*, S.D. Cal. No. 24-

demands of *Bruen* and *Rahimi*, the Author submits this measure, which makes various substantive and technical changes to the framework established by SB 2.

Ex Parte Protection Orders and CCWs

Existing law currently requires anyone subject to a restraining or protection order to relinquish firearms in their possession, bans future firearm purchases, and prohibits the restrained party from obtaining a CCW. Any individual subject to a restraining or protection order, even an *ex parte* order, is prohibited from obtaining a CCW license for a period of five years after the order expired, was vacated, or was otherwise canceled. *Ex parte* restraining orders are a seldom-used tool typically used only in emergency circumstances where the potential for irreparable harm if the conduct were allowed to continue is sufficient to override the subject's procedural due process rights to notice and a hearing. One California court appears open to reconsidering whether *ex parte* restraining orders justify the denial of a CCW application or the disqualification from eligibility for a CCW.¹⁰ Accordingly, this bill attempts to resolve the issues in that case by providing that the five-year disqualification would not apply to a restraining order if the order expired, was vacated, or was otherwise canceled and the applicant did not receive notice and an opportunity to be heard before issuance of the order. The bill also specifies that the same CCW disqualification criteria that apply to protective and restraining order issued under California law apply to those issued under federal law or the laws of another state.

Non-Resident CCW Applications

Under existing law, only California residents are authorized to obtain a CCW, contingent on the successful completion of a background check and the local licensing authority (e.g. a county's sheriff's department). The law includes no pathway for individuals residing out-of-state to apply for a CCW, a restriction that was recently challenged in federal court.¹¹ In one of these cases, the court issued a preliminary injunction enjoining the residency requirement and laid out a detailed procedure for the non-residents plaintiffs to apply for and renew a CCW. This bill codifies provisions of the court's injunction in that case to provide a process for non-residents to apply for a CCW, which highly resembles the process for California residents.

CCWs and Public Transit

Under the SB 2 framework, CCW holders are prohibited from carrying a firearm in nearly thirty "sensitive locations," including "a 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 supported in whole or in part with public funds."¹² In 2024, the Ninth Circuit Court of Appeals issued a decision in *Wolford v. Lopez* (2024) 116 F.4th 959, in which it engaged in a lengthy analysis applying *Bruen*'s test to each individual place categorized as sensitive and found many of the designated prohibited places, including public transit, did not

cv-664; CCW and public transit cases: *Wolford v. Lopez* (2024) 116 F.4th 959, 1000.), *May v. Bonta*, C.D. Cal. No. 8:23-cv-01696-CJC-ADSx, *Corralero v. Bonta*, C.D. Cal. No. 8:23-cv-01798-CJC-ADSx

¹⁰ *Brownstein v. Orange County Sheriff's Dept.*, C.D. Cal. No. 24-cv-00970

¹¹ *Cal. Rifle & Pistol Ass'n v. Los Angeles County Sheriff's Dept.*, C.D. Cal. No. 23-cv-10169; *Hoffman v. Bonta*, S.D. Cal. No. 24-cv-664.

¹² Pen. Code, § 26230, subd. (a)(8).

have sufficiently similar historical analogues. Accordingly, this bill prohibits carrying a concealed firearm on public transit *unless* the firearm is unloaded and is locked in a lock box that complies with certain DOJ regulations on such devices.

3. Bulk Purchasing Restrictions and Related Provisions of This Bill

The first state to enact a bulk firearm purchase restriction was the Commonwealth of Virginia, which, in 1993, authorized individuals to purchase only one handgun a month, except under very specific circumstances. Although the law was repealed in 2012 (though ultimately replaced with a more strict purchase limitation), research showed that it significantly reduced the likelihood that a gun acquired outside Virginia would be traced back to a Virginia gun dealer, and provided persuasive evidence that restricting handgun purchases to one per month is an effective means of disrupting the illegal interstate transfer of firearms.¹³

California started restricting multiple sales – a prohibition that has come to be known as the “1-gun-a-month rule” – in 1999 with the passage of AB 202 (Knox, Ch. 128, Stats. of 1999), which prohibited an individual from purchasing more than one concealable firearm within a 30-day window. Former Governor Jerry Brown vetoed several measures that sought to expand the state’s multiple sales restriction to all firearms, including AB 1674 (Santiago, 2016) and SB 1177 (Portantino, 2018). However, in 2019, with a new Governor in the state house, the Legislature passed SB 61 (Portantino, Ch. 737, Stats. of 2019), which expanded the 30-day restriction to semiautomatic centerfire rifles, and AB 1621 (Gipson, Ch. 76, Stats. of 2022), which, among other major provisions, expanded the 30-day restriction to all firearms and firearm precursor parts. Most recently, the Legislature passed AB 1483 (Valencia, Ch. 246, Stats. of 2023), which eliminated the private party transaction exception to the 1-gun-a-month rule.

On June 20, 2025, the Ninth Circuit Court of Appeal affirmed a lower court’s decision in *Nguyen v. Bonta* (2025) Case No. 24-2036, holding that California’s 1-gun-a-month rule facially violates the Second Amendment. According to the court:

The Second Amendment expressly protects the right to possess multiple arms. It also protects against meaningful constraints on the right to acquire arms because otherwise the right to “keep and bear” would be hollow. And while *Bruen* does not require a “historical twin” for a modern firearm regulation to pass muster, 597 U.S. at 30, here the historical record does not even establish a historical cousin for California’s one-gun-a-month law.¹⁴

Given the Ninth Circuit’s ruling in *Nguyen*, and its effect of enjoining the enforcement of California’s 1-gun-a-month rule, this bill modifies that law to authorize the purchase of up to three firearms within any 30-day period, and requires firearms dealers to update certain posted notices accordingly. Provisions of this bill related to the 1-gun-a-month rule also include clauses that would revert the limit to 1-gun-a-month if the Attorney General ultimately prevails in an appeal of the *Nguyen* decision to the United States Supreme Court.

¹³ <https://www.ojp.gov/ncjrs/virtual-library/abstracts/evaluating-impact-virginias-one-gun-month-law>

¹⁴ *Id.* at 24. [Nguyen v. Bonta, No. 24-2036 \(9th Cir. 2025\) :: Justia](#)

4. Firearm Prohibitions for Felony Convictions and Related Provisions of This Bill

Existing state and federal law contains a myriad of prohibitions on the possession and attempted purchase of firearms by certain individuals. Under both state and federal law, all felony convictions lead to a lifetime prohibition.¹⁵ Under California law, violation of this prohibition is a felony, a provision which is also referred to as the “felon-in-possession statute.”¹⁶ However, existing law also specifies that the lifetime ban on firearms due to a felony conviction does not apply to a conviction under federal law unless either the conviction of a like offense under California law can only result in imposition of felony punishment *or* the defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than \$1,000 or both.

Under the new *Bruen/Rahimi* framework for Second Amendment constitutionality, courts are rapidly developing diverging opinions on the general question of whether nonviolent felons can be subject to lifetime firearm bans. In 2024, the United States District Court for the Northern District of California ruled that California’s prohibition on the purchase or possession of a firearm by a convicted felon violated the Second Amendment as applied to certain individuals who had been convicted of non-violent, out-of-state felonies that had been subsequently vacated or set aside.¹⁷ Although the court’s ruling only applied to the plaintiffs in that case, the court concluded that “overall, California did not demonstrate that permanently denying firearms to these plaintiffs accords with the ‘unqualified command’ in the Second Amendment of the right to bear arms.”¹⁸

Accordingly, this bill modifies California’s felon-in-possession statute to incorporate the court’s guidance in *Linton*, thereby extending the holding to all similarly situated individuals in the state. Specifically, the bill exempts two classes of person from the felon-in-possession statute: 1) persons with out-of-state, nonviolent felony convictions that have been the commuted, expunged, vacated or dismissed; and 2) persons who received a full and unconditional gubernatorial pardon with restoration of firearm rights, and who were never convicted of a felony involving the use of a dangerous weapon. It is worth noting that the bill does not make similar modifications for California residents who have had their felony convictions set aside, vacated or dismissed, and such individuals would still be prohibited from possessing or purchasing a firearm under California law.

5. Argument in Support

According to the California Department of Justice, the bill’s sponsor:

AB 1078 provides critical updates to California’s CCW and firearms laws to align with recent court holdings clarifying the text-and-history test including: removing the automatic five-year CCW disqualification for individuals who were subject to expired ex parte restraining orders; authorizing CCW holders to transport firearms on public transit, provided the firearms are unloaded and secured in a DOJ-certified lock box; establishing a process for non-residents to apply for CCW licenses; allowing

¹⁵ 18 U.S.C. § 922(g); Pen. Code, § 29800

¹⁶ Pen. Code, § 29800 subd. (a).

¹⁷ *Linton v. Bonta*, N.D. Cal., Case No. 18-cv-07653, [chad-jay-linton-et-al-v-rob-bonta-et-al-ruling.pdf](#)

¹⁸ *Id.* at 21, quoting *Bruen* 597 U.S. at 24.

individuals with non-violent, out-of-state felony convictions that have been expunged, vacated, or pardoned to regain firearm rights; and making various technical improvements to the CCW licensing process.

In addition, AB 1078 will reestablish reasonable purchase limits on firearms to prevent bulk purchases of guns. Enforcement of the current laws governing firearm purchase limits is presently enjoined by court order, meaning an individual can currently purchase an unlimited number of firearms at any time. This bill will set a new purchase limit of three firearms per 30-day period, which will prevent individuals from stockpiling weapons in a short period of time. California has one of the lowest rates of firearms deaths in the nation and that is due in large part to our strong gun violence prevention laws. AB 1078 will help California maintain its leadership role in enacting commonsense gun-safety laws, while respecting Second Amendment rights.

6. Argument in Opposition

According to Gun Owners of California:

This legislation is multi-faceted; one of the more objectionable elements is that it seeks to mandate non-Californians select the jurisdiction for their CCW application based upon where their primary destination would be while in the state. Given that we are one of the largest states nationally and boast more tourism dollars than another other state by far – forcing a tourist to establish a single, primary area where they may visit is an unreasonable expectation. Visitors to beautiful California travel from one end of the state to the other.

Additionally, this proposal circumvents – in a seemingly positive matter – the ruling in *Nguyen v. Bonta*, which declared California's one gun a month scheme unconstitutional. In truth, however, this is nothing more than a legislative snub to the ruling, as if increasing the limit to 3 guns would pass Constitutional muster. Further, the bill provides that any CCW application that contains even the most basic error or unintended omission, would be invalidated; this is both punitive and unnecessary. In closing, it's important to note that should Congress pass HR 38, the National Constitutional Reciprocity bill, this legislation and a score of other similar proposals will be declared null and void.

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