
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 2103 **Hearing Date:** June 12, 2018
Author: Gloria
Version: May 21, 2018
Urgency: No **Fiscal:** Yes
Consultant: EC

Subject: *Firearms: License to Carry Concealed*

HISTORY

Source: Everytown for Gun Safety

Prior Legislation: AB 450 (McCarty), 2016, vetoed by the Governor

Support: American Academy of Pediatrics California; Bay Area Student Activists; Brady Campaign to Prevent Gun Violence; California Federation of Teachers; California Police Chiefs Association; California State Sheriffs' Association; Giffords Law Center to Prevent Gun Violence; 64 Individuals

Opposition: Firearms Policy Coalition

Assembly Floor Vote: 57 - 20

PURPOSE

The purpose of this bill is to require the training for license to carry a concealed firearm to be at least 8 hours and to include firearm handling and shooting proficiency requirements.

Existing law states that a sheriff may issue a license to carry a concealed firearm (CCW) upon proof of the following (Pen. Code § 26150, subs. (a)(1)-(4)):

- The applicant is of good moral character;
- Good cause exists for issuance of the license;
- The applicant fulfills residency requirements; and
- The applicant has completed required course of training.

Existing law states that for new CCW applicants, the course of training shall not exceed 16 hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. (Pen. Code § 26165, subd. (a).)

Existing law states that the chief of other head of a municipal police department may issue a CCW in either of the following formats. (Pen. Code § subs. (b)(1)-(2)):

- A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon a person; or

- A license to carry a firearm loaded and exposed in a county of less than 200,000 people.

Existing law states that a CCW is valid for two years from the date of the issuance. (Pen. Code § 26220, subd. (a).)

Existing law states that the CCW is valid for three years from the date of the issuance if the license were issued to a judicial officer, or four years if issued to a reserve or auxiliary peace officer. (Pen. Code § 26220, subds. (c) & (d).)

Existing law states that an issued CCW may include any reasonable restrictions or conditions that the issuing authority deems warranted, and these restrictions shall be indicated on the license. (Pen. Code § 26200, subds. (a) & (b).)

Existing law requires the fingerprints of each CCW applicant be taken and copies forwarded to the Department of Justice. (Pen. Code § 26185, subd. (a).)

Existing law states that no CCW shall be issued by any licensing authority until after the receipt of the report from the Department of Justice. (Pen. Code § 26185, subd. (a)(3).)

Existing law provides criminal penalties for knowingly filing in a false application for a CCW license. (Pen. Code § 26180, (a).)

Existing law states that the Attorney General shall develop uniform applications for CCWs and application for amendments to licenses throughout the state. (Pen. Code § 26175, (a)(1) & (a)(3)(A).)

Existing law requires the CCW application to include a section summarizing the requirements of state law that result in the automatic denial of a license. (Pen. Code § 26175, subd. (c).)

Existing law requires the standard application form for CCW to include information from the applicant, but not limit 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. (Pen. Code § 26175, subd (c).)

Existing law specifies that the applicants for CCWs shall be filed with writing and signed by the applicant. (Pen. Code § 26175, subd (d).)

Existing law specifies that applications for amendments to CCW licenses shall be filed in writing and signed by the applicant, and shall state what type of amendment is sought and the reason for desiring the amendment. (Pen. Code § 26175, subd (e).)

Existing law requires the forms to contain a provision whereby the applicant attests to the truth of the statements contained in the application. (Pen. Code § 26175, subd (f).)

Existing law states that 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, except to clarify or interpret information provided by the applicant on the standard application form. (Pen. Code § 26175, subd (g).)

Existing law states that the standard application form is deemed to be a local form expressly exempt from the requirement of the Administrative Procedure Act. (Pen. Code § 26175, subd (h).)

Existing law provides that any CCW 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. (Pen. Code § 26175, subd (i).)

Existing law states that no firearms dealer may deliver a handgun unless the recipient performs a safe handling demonstration with that handgun. (Pen. Code § 26850, subd. (a).)

Existing law requires that the safe handling demonstration commence with the handgun unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. (Pen. Code § 26850, subd. (b).)

Existing law states that while maintaining muzzle awareness and trigger discipline at all times, the handgun recipient shall correctly and safely perform specified steps if the handgun is a semiautomatic pistol, double-action revolver, or single-action revolver. (Pen. Code § 26850, subd. (b)(1)-(3).)

Existing law states that the firearms dealer shall sign and date an affidavit stating that the fulfillment of safe handling demonstration and specified steps have been met. The firearms dealer shall additionally obtain the signature of the handgun purchaser on the same affidavit and the dealer shall retain the original affidavit as proof of compliance with the requirement. (Pen. Code § 26850, subd. (d).)

Existing law specifies that the recipient shall perform the safe handling demonstration for a department-certified instructor. (Pen. Code § 26850, subd. (e).)

Existing law states that it is the intent of the Legislature to require that persons who obtain a firearm have basic familiarity with those firearms including, but not limited to, the safe handling and storage of those firearms. (Pen. Code § 31610.)

Existing law prohibits a person from doing either of the following (Pen. Code § 31615, subs. (a) & (b).):

- Except an antique firearm, purchase or receive any firearm without a valid handgun safety certificate;
Except an antique firearm, sell, deliver, loan, or transfer any firearm to any person who does not have a valid firearm safety certificate; and
- Except that in the case of a handgun, an unexpired handgun safety certificate may be used.

This bill requires the training for license to carry a concealed firearm to be at least 8 hours and to include firearm handling and shooting proficiency requirements.

COMMENTS

1. Need for this Bill

The author states:

Under current law, a person who has never even fired a gun or received proper training on how to safely handle one can receive a concealed carry permit from a local jurisdiction and then legally carry a loaded firearm in public. This puts public safety in jeopardy as these deadly weapons could end up in the wrong and untrained hands. AB 2103 will set a minimum time training standard as well as mandate concealed carry applicants demonstrate safe-handling proficiency on a firing range.

Additionally, while current law sets a maximum time training standard at 16 hours, it is silent on how many hours a concealed carry applicant should receive training. AB 2103 would mandate all concealed carry applicants complete no less than eight hours of training on firearm safety, proper handling, and the laws governing the permissible use of a firearm.

Finally, AB 2103 would establish a new requirement that concealed carry applicants must perform live-fire shooting exercises on a firing range to demonstrate proficiency with handling a firearm. If an applicant cannot demonstrate proficiency, then the license cannot be granted. To put this in perspective: California requires applicants for driver's licenses to demonstrate proficiency behind-the-wheel of a vehicle before the DMV issues a driver's license. In fact, we require first-time young drivers to receive 25 hours of classroom training in addition to another 50 hours behind-the-wheel. Adults must take a written exam as well as a behind-the-wheel exam. Yet, state law fails to prescribe similar requirements for firearms.

Throughout California, many local licensing authorities have already adopted these kinds of provisions in their local policies; they have recognized the gap that exists in current law. That is why AB 2103 is necessary – to set a statewide standard across California. It is my belief that this will ultimately ensure that every person who wishes to receive a concealed carry permit has been through the appropriate instruction and training and can demonstrate safe-handling proficiency.

2. 8-Hour Training Requirements

Current California statute states that for CCW applicants, the course of training shall not exceed 16 hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. (Pen. Code § 26165, subd. (a).)

Many counties and existing training providers often require training that is at least 8-hours or more. Many CCW training academies provide two day trainings with safety procedures, handgun operations, live-fire exercises, firearm malfunctions, demonstration of familiarity, and more.¹

3. Firearm Safety and Safe Handling Requirements

Any person purchasing or obtaining a firearm in California must obtain a valid firearm or handgun safety certificate or a CCW (Pen. Code, § 31615). To obtain a CCW, an applicant must pass a written test developed by the DO (Pen. Code, § (31645).

Furthermore, a person cannot possess a firearm from a firearms dealer unless the recipient performs a safe handling demonstration with a handgun. The safe handling demonstration must be performed in front of a DOJ certified instructor (Pen. Code § 26850, subd. (a).) The safe handling demonstration must begin with an unloaded handgun and a locked safety device (Pen. Code § 26850, subd. (b).) While maintaining muzzle awareness, pointing the firearm in a safe direction, and maintaining trigger discipline, correctly and safely performing a number of steps articulated in Penal Code section 26853, 26856, and 26859, as specified.

Under current law, handgun recipient must correctly and safely perform specified steps if the handgun is a semiautomatic pistol, double-action revolver, or single-action revolver while maintaining muzzle awareness and trigger discipline at all times (Pen. Code § 26850, subd. (b)(1)-(3).) Thus, at the issuance of a CCW, an applicant would presumably have basic knowledge regarding firearms safety and safe storage, as well as being able to safely handle any firearm in their possession.

This bill requires that the training course for the issuance of a CCW include instruction on firearm safety, handling, shooting technique, and laws regarding the permissible use of a firearm.

4. Argument in Support

According to the California State Sheriffs' Association:

In order for a person to obtain a CCW, they must apply for the license through a chief of police or a county sheriff. The applicant must meet residency requirements, have a good cause for its issuance, and complete a firearms training course. While many sheriffs already require a minimum of eight hours of training, statute only specifies a maximum of training (16 hours) that can be required.

AB 2103 sets a minimum length for CCW courses (no less than eight hours), reflecting common practice in many Sheriffs' offices. The bill additionally specifies that the CCW course must include instruction on firearm handling and shooting technique as well as requires a course to include live-fire shooting exercises.

Ensuring proper qualifications and training for prospective CCW holders is a paramount safety issue.

¹ "California Concealed Carry Weapons (CCW) Course," *California Tactical Academy* (blog), accessed May 31, 2018, <https://californiatacticalacademy.com/product/california-ccw-course/>.

5. Argument in Opposition

According to the Firearms Policy Coalition:

AB 2103 would add new mandates for training on “firearm handling” and “shooting technique” but provides no standards for these terms. This would result in hundreds of sheriffs and police chiefs throughout the state having to draft, review, adopt, and monitor their own standards among thousands of individual CCW trainers and firms.

And firearm training philosophies and shooting techniques [necessarily] vary wildly based on many factors – even (perhaps especially) among law enforcement agencies and officers, and certainly among training professionals who constantly refine their curricula to suit the needs of their students and improve outcomes based on experience and new information. AB 2103 would also require “live-fire shooting exercises on a firing range.” This proposed requirement is vague and ambiguous, and again, casually enacts a burdensome new mandate then leaves it up to hundreds of difference law enforcement agencies to determine how it should be interpreted and applied.

-- END --