

California Penal Codes 12050-12054, concerning Concealed Carry of Weapon licenses
from the CaliforniaCCW.org files archive

NOTE from the site admin: Thank you Bill for making this commentary. As Bill says, neither he nor me nor anyone on this site is giving legal advice. In the area of guns and gun law, even a minor mistake can have very serious legal consequences. If you have doubts, questions or uncertainties talk to a lawyer.

NOTE from Bill: I am not a lawyer. This is my plain language interpretation of the following statutes. It may not be factually correct. While every effort is made to make it an accurate representation, you should consult an attorney before using this information to pursue any legal action. – Bill in SD

Legend: California Penal Code is in Courier New 12 pt.
Comments are in Arial Bold 12 pt.
BOLD added for emphasis

CALIFORNIA CODES
PENAL CODE
SECTION 12050-12054

12050. (a) (1) (A) The **sheriff of a county**, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying satisfies any one of the conditions specified in subparagraph (D)

Subparagraph (D) states that you must be a resident of the county or spend a substantial amount of time in the county for employment or business.

Good moral character + good cause + residency/employment/business interest + training = CCW issuance

and has completed a course of training as described in subparagraph (E),

Subparagraph (E) lists training requirements.

may issue to that person a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person in either one of the following formats:

Two formats: concealed, or in the case of small counties, an 'open carry' permit. 'Open carry' permits are rarely if ever issued in practice.

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

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

The section that follows is the same as above for Police Chiefs, instead of Sheriffs.

(B) The **chief or other head of a municipal police department of any city or city and county**, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a resident of that city and has completed a course of training as described in subparagraph (E), may issue to that person a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person in either one of the following formats:

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

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

The following section discusses issuance to Law Enforcement personnel.

(C) The sheriff of a county or the chief or other head of a municipal police department of any city or city and county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a person who 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, may issue to that person a license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person. Direct or indirect fees for the issuance of a license pursuant to this subparagraph may be waived. The fact that an applicant for a license to carry a pistol,

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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 subparagraph, and shall not be considered for the purpose of issuing a license pursuant to subparagraph (A) or (B).

Residency requirement:

(D) For the purpose of subparagraph (A), the applicant shall satisfy any one of the following:

- (i) Is a resident of the county or a city within the county.
- (ii) Spends a substantial period of time in the applicant's principal place of employment or business in the county or a city within the county.

Training requirements:

(E) (i) For **new license applicants**, the course of training 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. Notwithstanding this clause, 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.**

(ii) 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 subparagraph, in order for that person to renew a license issued pursuant to this section.

Length of time a permit is valid:

(2) (A) (i) Except as otherwise provided in clause (ii), subparagraphs (C) and (D) of this paragraph, and subparagraph (B) of paragraph (4) of subdivision (f), a license issued pursuant to

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subparagraph (A) or (B) of paragraph (1) is valid for any period of time not to exceed two years from the date of the license.

License is valid for two years, unless the applicant is subject to the following:

Business interest issuance – valid for 90 days, only valid in the county, not the state. Renewals require county of residence issuing authority approval. This temporary license has never been issued.

(ii) If the licensee's place of employment or business was the basis for issuance of the license pursuant to subparagraph (A) of paragraph (1), 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 he or she 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.

Peace Officers' permits good for four years:

(B) A license issued pursuant to subparagraph (C) of paragraph (1) 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 section does not limit the validity of the license to a shorter time period.

Judges, commissioners, magistrates' permits good for three years:

(C) A license issued pursuant to subparagraph (A) or (B) of paragraph (1) is valid for any period of time **not to exceed three**

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years from the date of the license if the license is issued to any
of

the following individuals:

- (i) A judge of a California court of record.
- (ii) A full-time court commissioner of a California court of record.
- (iii) A judge of a federal court.
- (iv) A magistrate of a federal court.

Prison guard permits are good for four years:

(D) A license issued pursuant to subparagraph (A) or (B) of paragraph (1) 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 section does not limit the validity of the license to a shorter time period.

Business interest/employment applicants must spend a substantial amount of time in the jurisdiction applying to.

(3) For purposes of this subdivision, a city or county may be considered an applicant's "principal place of employment or business" only if the applicant is physically present in the jurisdiction during a substantial part of his or her working hours for purposes of that employment or business.

Restrictions may be placed on the license.

(b) A license may include any reasonable restrictions or conditions which the issuing authority deems warranted, 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.

Restrictions must be printed on the license.

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

License cannot be issued to persons in a prohibited class.

(d) A license shall not be issued if the Department of Justice determines that the person is within a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

License can be revoked at any time by the local licensing authority if notified by the DOJ that the licensee is within a prohibited class.

(e) (1) The license 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 within a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, or the local licensing authority determines that the person is within a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

The DOJ shall immediately notify the local licensing authority if it is determined that the licensee is within a prohibited class.

(2) If at any time the Department of Justice determines that a licensee is within a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, the department shall immediately notify the local licensing authority of the determination.

The local licensing authority shall notify the DOJ if the license is revoked pursuant to Cal PC 12053. (Cal PC 12053 lists reporting requirements from the local authority to the DOJ)

(3) If the local licensing authority revokes the license, the Department of Justice shall be notified of the revocation pursuant to Section 12053. The licensee shall also be immediately notified of the revocation in writing.

Licensee may amend the license for the following reasons. Adding a particular firearm; authorizing concealed carry if license was originally for open carry; authorizing open carry if license was originally for concealed carry; change conditions of carry.

(f) (1) A person issued a license pursuant to this section may apply to the licensing authority for an amendment to the license to do one or more of the following:

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

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

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

(D) 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.

A new license is needed for an address change. Licensee will notify the licensing authority within 10 days of moving.

(2) When the licensee changes his or her address, the license shall be amended to reflect the new address and a new license shall be issued pursuant to paragraph (3).

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

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

License cannot be revoked due to an address change. License expires 90 days after moving to another county, if licensee's place of residence was the basis for issuance.

(B) If the license is one to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the

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person, then it may not be revoked solely because the licensee changes his or her place of residence to another county if the licensee has not breached any conditions or restrictions set forth in the license or has not fallen into a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. However, any license issued pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a) shall expire 90 days after the licensee moves from the county of issuance if the licensee's place of residence was the basis for issuance of the license.

License is revoked immediately after moving to another county if it authorizes open carry.

(C) 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 if the licensee changes his or her place of residence to another county.

License cannot be amended to have an expiration date later than the original expiration.

(5) 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.

Applying for an amendment does not constitute an application for renewal. The original expiration date still applies.

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

IMPORTANT – a police department (PD) may enter into an agreement that pushes all applications, renewals, and amendments of licenses to the County Sheriff.

If an agreement is in place, the PD must refer all applicants to the Sheriff. If the PD refers 'average citizens', but has issued, they are in violation of this law.

If an agreement is not in place, then the PD has the option to issue.

This is referred to as a 'G' when referring to PDs that defer to the Sheriff for issuance.

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(g) Nothing in this article 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 article.

IMPORTANT – if the local PD issues, they must have a written policy regarding issuance. ALL Sheriffs required to have this.

12050.2. Within three months of the effective date of the act adding this section, **each licensing authority shall publish and make available a written policy** summarizing the provisions of subparagraphs (A) and (B) of paragraph (1) of subdivision (a) of Section 12050.

Application form shall request the following information at a minimum. Applications shall be filed in writing and signed by the applicant. It must list the weapons by description, serial number and caliber.

12051. (a) (1) The standard application form for licenses described in paragraph (3) shall require information from the applicant including, but not limited to, the name, occupation, residence and business address of the applicant, his or her age, height, weight, color of eyes and hair, and reason for desiring a license to carry the weapon. Applications for licenses shall be filed in writing, and signed by the applicant. Any license issued upon the application shall set forth the licensee's name, occupation, residence and business address, his or her age, height, weight, color of eyes and hair, 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.

License amendments shall be filed in writing.

(2) 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 subdivision (f) of Section 12050 and the reason for desiring the amendment.

All applications shall be uniform across the state. Make sure the local Sheriff is in compliance, some applications have been changed.

(3) (A) Applications for amendments to licenses, applications for licenses, amendments to licenses, and licenses shall be uniform throughout the state, upon forms to be prescribed by the Attorney General. 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. The application shall include a section summarizing the statutory provisions of state law that result in the automatic denial of a license.

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

IMPORTANT – no other additional form, application, or information is required.

(C) 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 subparagraph (A), except to clarify or interpret information provided by the applicant on the standard application form.

The standard application is exempt from the Administrative Procedures Act. (need more research here). You are in trouble if you lie on the form. Could be a felony.

(D) The standard application form described in subparagraph (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.

(b) Any person who files an application required by subdivision (a) knowing that statements contained therein are false is guilty of a misdemeanor.

(c) Any person who knowingly makes a false statement on the application regarding any of the following shall be guilty of a

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felony:

- (1) The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to Section 12050.
- (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.

Your will give fingerprints and 2 forms of ID to the DOJ for a background check. A license cannot be issued until the report is forwarded to the licensing authority.

12052. (a) 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. Upon receipt of the fingerprints and the fee as prescribed in Section 12054, 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 under Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing, receiving, owning, or purchasing a firearm. No license shall be issued by any licensing authority until after receipt of the report from the department.

If the applicant has applied to the same place before and submitted fingerprints and ID, no additional fingerprints are required. ID will be noted to provide positive ID with the existing fingerprint records.

(b) However, if the license applicant has previously applied to the same licensing authority for a license to carry firearms pursuant to Section 12050 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 12053 and no additional application form or fingerprints shall be required.

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If the applicant is licensed under 12050, no additional fingerprints and ID are required. ID will be noted to provide positive ID with the existing fingerprint records.

(c) If the license applicant has a license issued pursuant to Section 12050 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 12053 and no additional fingerprints shall be required.

Applicant shall receive written notice in the specified timeframe.

12052.5. The licensing authority shall give written notice to the applicant indicating if the license is approved or denied **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.**

The following records shall be maintained locally. Copies must also be sent to the DOJ. A tally of judge and peace officer permits must be provided annually to the DOJ.

12053. (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.

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(5) The revocation of a license.

(c) 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 subparagraph (C) of paragraph (1) of subdivision (a) of Section 12050, and to judges, pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a) of Section 12050. The Attorney General shall collect and record the information submitted pursuant to this subdivision by county and licensing authority.

IMPORTANT – Fees

The DOJ has a fee schedule for the background check. DOJ fees are the same for initial applications and renewals.

Initial applications: Additional fees from the local licensing authority may not exceed \$100. 20% of the additional local fee may be collected at application time, with the additional amount collected only on issuance.

Renewals: Additional fees from the local licensing authority may not exceed \$25.

Amendments: Additional fees from the local licensing authority may not exceed \$10.

Psychological testing for initial applicants and renewals (if deemed necessary) may incur costs not to exceed \$150.

No other charges, fees, assessments, etc. can be required with the exceptions stated here.

12054. (a) Each applicant for a new license or for the renewal of a license shall pay at the time of filing his or her application a fee determined by the Department of Justice not to exceed the application processing costs of the Department of Justice for the direct costs of furnishing the report required by Section 12052. 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. The officer receiving the application and the fee shall transmit the fee, with the fingerprints if required, to the Department of Justice. The licensing authority of any city, city and county, or county may

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charge an additional fee in an amount equal to the actual costs for processing the application for a new license, 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. 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.

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. 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 California Department of Industrial Relations.

(b) In the case of an **amended license** pursuant to subdivision (f) of Section 12050, the licensing authority of any city, city and county, or county may charge a fee, **not to exceed ten dollars (\$10)**, except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations, for processing the amended license and shall transmit the fee to the city, city and county, or county treasury.

(c) 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). 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).

(d) Except as authorized pursuant to subdivisions (a), (b), and (c), no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant may be imposed by any licensing authority as a condition of the application for a license.