

No. 10-56971 [DC# CV 09-02371-IEG]

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IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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EDWARD PERUTA, et. al.,

*Plaintiffs-Appellants,*

v.

COUNTY OF SAN DIEGO, et. al.,

*Defendants-Appellees.*

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APPEAL FROM THE  
UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF CALIFORNIA

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**GUN OWNERS OF CALIFORNIA  
SENATOR H. L. RICHARDSON (RET.)  
ADDENDUM TO AMICUS BRIEF  
IN SUPPORT OF APPELLANTS**

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*Counsel for Amici Curiae*

*Gun Owners of California and*

*Senator H. L. Richardson (Ret.)*

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LEGISLATIVE  
INTENT SERVICE

712 Main Street, Woodland, CA 95695  
(800) 666-1917 • (916) 441-7959 • Fax: (530) 668-5866

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November 16, 2000

Ms. Kelly Quinn  
TRUTANICH & MICHEL LLP  
407 North Harbor Boulevard  
San Pedro, California 90731-3356

Re: **Penal Code section 12026.1**  
as enacted by Chapter 998, Statutes of 1986

Our file no.: 0011449

Dear Ms. Quinn:

You have requested the legislative history of 1986 enactment of Penal Code section 12026.1. To document this history we enclose material organized as follows:

Exhibit A	-	Senate Bill 1787 enacted as Chapter 998 of 1986
Exhibit B	-	Assembly Bill 4058 of 1986 (competitor bill)

**To comprehend quickly the presentation and order of the documents in this binder, please review "Key to Exhibit Markings" located in the binder.**

The documents included are preceded by a declaration, executed by one of the attorneys who participated in this research project, which will provide an index to the material being forwarded, and will also provide a first step in building a foundation for authenticating the documents. There is a one declaration that covers both of the exhibits. The declaration for Exhibits A and B is located in the binder behind the Exhibit "A" tab.

The Declaration is designed to be attached as an exhibit to a declaration by the attorney submitting the documents to the court. (Code of Civil Procedure Section 2015.5; California Rule of Court rules 41(a), 42(b), and 201(a)) The attorney declaration should identify which particular documents from the collection are being submitted to the court, and in appropriate cases explain why the other available documents are not being submitted (i.e., not pertinent to issues but

AA000001

available upon request). The declaration should further verify that the documents are being submitted as received from Legislative Intent Service. (Frio v. Superior Court (1988) 203 Cal. App. 3d 1480, 1487, footnote #3; Main San Gabriel Basin Watermaster v. State Water Resources Control Board (1989) 12 Cal. App. 4th 1371, 1381; Carlton Browne & Co. v. Superior Court (1989) 210 Cal. App. 3d, 35, 41, footnote #3)

**PENAL CODE SECTION 12026.1**  
**AS ENACTED BY CHAPTER 998, STATUTES OF 1986**

Penal Code section 12026.1 was enacted in 1986 following legislative passage of Senate Bill 1787 introduced on February 11, 1986 by Senator Ed Davis. (See Exhibit A, #1) Senate Bill 1787 was a single-section bill that proposed only to add section 12026.1 to the Penal Code. (Id.) The bill was supported by the United Sportsman. (See Exhibit A, #3)

Senate Bill 1787 was assigned to the Senate Committee on Judiciary and the Assembly Committee on Public Safety where policy issues raised by the bill were considered. (See Exhibit A, #3 and #6) Three amendments were made to Senate Bill 1787, two by the Senate and one by the Assembly. (See Exhibit A, #1b through #1d) Subsequent to legislative approval, former Governor George Deukmejian signed Senate Bill 1787 on September 20, 1986, and it was recorded by the Secretary of State on September 22, 1986 as Chapter 998 of the Statutes of 1986. (See Exhibit A, #1e and #2)

The Senate Committee on Judiciary analysis of Senate Bill 1787 as amended on March 17, 1986 sets forth the following information regarding the need for the bill:

According to the author's office, the law relating to the legal carrying of a concealable firearm without a permit is a quagmire for unwary citizens. While it permits a person to possess a firearm at his residence and place of business, the rules are very stringent for transporting a concealable firearm from a place of purchase to the home or business, or between the home and business.

According to the author's office, the present law literally requires the person to transport the weapon in open view; a requirement which may cause unnecessary alarm to persons who may witness the act.

(See Exhibit A, #3, page 2)

As the bill is last amended on August 12, 1986 it is summarized in the Assembly Third Reading analysis:

Current law allows certain peace officers and licensed persons to carry a firearm without a concealed weapon permit. It also specifies circumstances when a firearm may be carried in public or in a vehicle without a permit.

This bill:

- 1) Additionally, allows the carrying of a firearm without a permit when it is unloaded and locked in a vehicle trunk or in a locked container within the trunk or in the vehicle, excluding "the utility or glove compartment."
  - 2) Perm its transport in the locked container to and from the vehicle for any lawful purpose.
- (See Exhibit A, #8)

As you review Senate Bill 1787 you will see that the majority of the language of Penal Code section 12026.1 was in the bill as it was introduced. (See Exhibit A, #1a) The Senate amendments of March 17, 1986 added the phrase, "the place of repair or purchase of the firearm." (See Exhibit A, #1b) The April 17, 1986 amendments added subdivision (c) that defined "locked container." (See Exhibit A, #1c) The Assembly amendments of August 12, 1986 deleted the specific places listed in the section that the firearm could be carried to or from and replaced the list with the phrase, "any lawful purpose." (See Exhibit A, #1d) Most of these amendments were suggested in the committee analyses. (See Exhibit A, #3; and #6)

The Assembly Committee on Public Safety analysis mentions competing legislation, Assembly Bill 4058 introduced by Assembly member Vicencia. (See Exhibit A, #6, page 3) We have enclosed as Exhibit B material on Assembly Bill 4058. Often one finds that a full understanding of legislative intent is dependent on knowing about the various proposals competing, or preceding the measure ultimately enacted. This can be especially true where one is focusing on particular language; contrasting that enacted with the unsuccessful proposals can afford insight as to the intended meaning.

As Assembly Bill 4058 was introduced on February 21, 1986 it proposed to amend Penal Code section 12026 to add the phrase, "or carrying, concealed or exposed" and to amend Penal Code section 12027 by adding subdivision (i) regarding carrying unloaded firearms in the vehicle trunk or locked in a secure box within the car. (See Exhibit B, #1) The Senate amendments of July 11, 1986 deleted the provisions to amend Penal Code sections 12026 and 12027. (See Exhibit B, #1d)

Bills affecting the language you are investigating may be pending or enacted in the 1999-2000 legislative session. We do not ordinarily review for current session bills, but will do so upon request. A simple means to request a search for current session bills is to fax a copy of the first page of this letter with a handwritten phone or fax number to which you wish us to report. There is no additional charge to check for the existence of current session legislation.

Any analysis provided is based upon the nature and extent of your request to us, as well as a brief review of the enclosed documents. As such, it must be considered tentative in nature. A more conclusive statement of the impact of the legislative history in your case would be dependent upon a complete understanding of all of the factual issues involved and the applicable legal principles.

In this regard, you may wish to separately retain Mr. Bill Keller, one of our Directors, in order to utilize his skills as a consultant or expert witness. Mr. Keller

has extensive experience in analyzing and presenting legislative documents to the courts. (Please see enclosed brochure.) If you do desire to utilize Mr. Keller in this capacity, a specific agreement directly with him will be necessary. The fee for this service will be quoted upon request. He may be reached at (530) 681-7338.

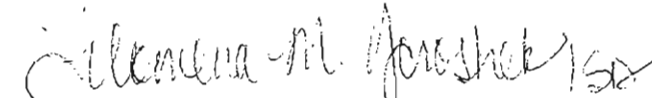
Evidence of legislative intent is relied upon in both federal and state courts. In addition to the materials already mentioned, points and authorities on statutory and case law authority for the use of legislative documents are included in the package.

Please take a moment to review our policies, including those regarding the completeness of research, as set forth in this package. Note particularly the availability of videotapes of selected recent legislative proceedings.

I appreciate the opportunity to provide this assistance and hope that these efforts will be of value to you.

Very truly yours,

LEGISLATIVE INTENT SERVICE



FILOMENA M. YEROSHEK  
Attorney

FMY:dmb  
Enclosures

KALIS2000\0011449FNFMY\DB

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## LEGISLATIVE INTENT SERVICE

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### DECLARATION OF FILOMENA M. YEROSHEK

I, Filomena M. Yeroshek, declare:

I am an attorney licensed to practice before the courts of the State of California, State Bar No. 125625, and am employed by Legislative Intent Service, a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service undertook to locate and obtain all documents relevant to the enactment of Senate Bill 1787 of 1986. Senate Bill 1787 was approved by the Legislature and was enacted as Chapter 998 of the Statutes of 1986.

The following list identifies all documents obtained by the staff of Legislative Intent Service on Senate Bill 1787 of 1986. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service. In compiling this collection, the staff of Legislative Intent Service operated under directions to locate and obtain all available material on the bill.

#### EXHIBIT A - SENATE BILL 1787 OF 1986:

1. All versions of Senate Bill 1787 (Davis-1986);
2. Procedural history of Senate Bill 1787 from the 1985-86 Senate Final History;
3. Analysis of Senate Bill 1787 prepared for the Senate Committee on Judiciary;
4. Document from the legislative bill file of the Senate Committee on Judiciary on Senate Bill 1787;
5. Third Reading analysis of Senate Bill 1787 prepared by the Office of Senate Floor Analyses;
6. Analysis of Senate Bill 1787 prepared for the Assembly Committee on Public Safety;
7. Material from the legislative bill file of the Assembly Committee on Public Safety on Senate Bill 1787;



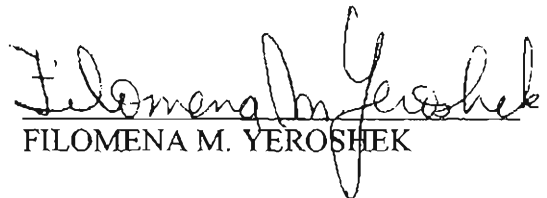
8. Third Reading analysis of Senate Bill 1787 prepared by the Assembly Office of Research;
9. Document from the legislative bill file of the Assembly Republican Caucus on Senate Bill 1787;
10. Material from the legislative bill file of Senator Ed Davis on Senate Bill 1787;
11. Post-enrollment documents regarding Senate Bill 1787;
- \* 12. "Smoking Gun: The Case for Concealed Weapon Permit Reform" prepared by the Assembly Office of Research, June 1986.

**EXHIBIT B - ASSEMBLY BILL 4058 OF 1986 (COMPETITOR BILL):**

1. All versions of Assembly Bill 4058 (Vicencia-1986);
2. Procedural history of Assembly Bill 4058 from the 1985-86 Assembly Final History;
3. Analysis of Assembly Bill 4058 prepared for the Assembly Committee on Public Safety;
4. Material from the legislative bill file of the Assembly Committee on Public Safety on Assembly Bill 4058;
5. Material from the legislative bill file of the Assembly Republican Caucus on Assembly Bill 4058;
6. Two analyses of Assembly Bill 4058 prepared for the Senate Committee on Judiciary;
7. Material from the legislative bill file of the Senate Committee on Judiciary on Assembly Bill 4058;
8. Material from the legislative bill file of the Senate Committee on Appropriations on Assembly Bill 4058;
9. Material from the legislative bill file of Assembly member Frank Vicencia on Assembly Bill 4058.

\* On examination, we noted these Exhibits are less relevant to your interest in this history and unlikely to add significantly to your understanding of the history of this legislation. Consequently, Exhibits preceded by an "\*" have not been included to minimize your copying expense. However, these Exhibits are available upon request for the cost of photocopying and delivery.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 16th day of November, 2000 at Woodland, California.

  
FILOMENA M. YEROSHEK

KASBEL\17871986

CALIFORNIA DEPARTMENT OF JUSTICE  
DIVISION OF LAW ENFORCEMENT  
BUREAU OF JUSTICE INFORMATION SERVICES

LEGISLATIVE BILL ANALYSIS

BILL NO.: Senate Bill 1787  
BILL AUTHOR: Senator Davis  
DATE LAST AMENDED: April 17, 1986  
SUBJECT: Concealable Weapons

DATE: May 15, 1986  
ANALYST: Frank Hirtleman  
TELEPHONE: (916) 739-5101  
(ATSS) 497-5101

I. SUMMARY OF BILL AND EXISTING LAW

- . Under Section 12025 P.C., it is a misdemeanor or a felony for a person to carry a concealable weapon on his or her person or concealed in a vehicle unless the person has a license to carry a concealed weapon pursuant to Section 12050 P.C.
- . This bill would permit persons to carry concealable weapons within a motor vehicle if the weapons are locked in the vehicle's trunk or carried in a locked container, as defined, in the rear of the vehicle other than in the glove compartment.
- . The bill would authorize the carrying of a concealable firearm in a locked container to or from a motor vehicle and a person's place of business, residence, the place of repair, or place of purchase if the vehicle is within 200 feet of the residence, business, or place of purchase or repair of the firearm.

II. BACKGROUND

Both law enforcement agencies and gun owners have requested relief from some aspects of carrying concealable firearms in compliance with existing laws. Presently, for example, a citizen can carry such a weapon unloaded but exposed such as on the car seat. When stopping, however, the individual faces the dilemma of what to do with the gun. He or she can't carry it on the person concealed unless in possession of a license to carry a concealed firearm. The law does permit the person to carry the firearm exposed in a belt holster or leave it exposed on the car seat. These are not reasonable alternatives because openly carrying a concealable firearm in public invites suspicion and generates fear or even a violent reaction while leaving a gun exposed on a car seat invites a break-in. Also, the bill addresses the carrying of a concealable firearm from a vehicle into a home or business where it may be legally possessed or from a home or business to a vehicle by allowing persons to carry the firearm in a locked box. This would eliminate the fear produced by weapons carried exposed in a holster or in one's hand.

AP-2

AB-1787

-2-

May 15, 1986

III. IMPACT OF THE BILL


The bill would have only a minor impact on DOJ if passed. It would require amending the Dangerous Weapons Control Laws booklet, an information bulletin to inform law enforcement and an Amendment to the California Firearms Laws booklet. As with any new weapons law, it would generate inquiries from law enforcement agencies and the public adding slightly to DOJ workload.

IV. RECOMMENDATION

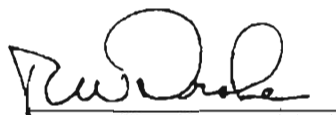
AP - approve in principle. The bill's provisions offer reasonable solutions to problems people have experienced when carrying concealable weapons in compliance with current laws.

Technically, both the bill and Section 12026 P.C. should be amended to add to excepted classes those prescribed by Section 12021, 12021.1 and Section 8100 of the Welfare and Institutions Code to eliminate any possibility of confusion over legislative intent.

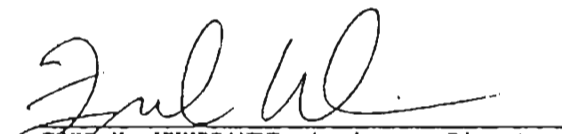
APPROVED:

  
PETER CASTRO, Manager  
Automated Systems Program

5/15/86  
Date

  
ROBERT W. DRAKE, Chief  
Bureau of Justice  
Information Services

5-16-86  
Date

  
FRED H. WYNBRANDT, Assistant Director  
Criminal Identification and  
Information Branch

5-22-86  
Date

cc: G. W. Clemons, Assistant Director  
Division of Law Enforcement

AP-3

AA000008

SB 1787

ASSEMBLY THIRD READING

SB 1787 (Davis) - As Amended: August 12, 1986

SENATE VOTE: 34-0

ASSEMBLY ACTIONS:

COMMITTEE \_\_\_\_\_ PUB. S. \_\_\_\_\_ VOTE 7-0 COMMITTEE \_\_\_\_\_ VOTE \_\_\_\_\_

Ayes:

Ayes:

Nays:

Nays:

DIGEST

Current law allows certain peace officers and licensed persons to carry a firearm without a concealed weapon permit. It also specifies circumstances when a firearm may be carried in public or in a vehicle without a permit.

This bill:

- 1) Additionally, allows the carrying of a firearm without a permit when it is unloaded and locked in a vehicle trunk or in a locked container within the trunk or in the vehicle, excluding "the utility or glove compartment."
- 2) Permits transport in the locked container to and from the vehicle for any lawful purpose.

FISCAL EFFECT

None

COMMENTS

- 1) The author wants to clarify the law of transporting handguns so that firearms can be safely transported.
- 2) Under current law, the only way to transport an assembled handgun legally, except for specified purposes such as hunting or target practice, is to transport the weapon openly on the car dash or seat. The author hopes to encourage the transport of these weapons locked away from immediate access of the vehicle's occupant.

Jeffrey P. Ruch  
445-3268  
8/14/86:apubs

SB 1787

8

AA000009

THIRD READING

SB 1787

Davis (R), et al

4/17/86

Majority

SUBJECT: Concealable weapons

SOURCE: Author

---

DIGEST: This bill would permit the transporting or carrying of a concealable firearm without a license, under certain conditions.

ANALYSIS: Under existing law, any person who carries a concealable firearm upon the person or within any vehicle which is under the person's direction, without having a license to carry that firearm, is guilty of a misdemeanor.

This bill would make specified exemptions to these provisions. Specifically, it would allow the transporting or carrying of a concealable firearm without a license where:

1. The firearm is transported within a motor vehicle and is locked in the vehicle's trunk or in a locked container, other than the utility or glove compartment, in the rear of the vehicle; or
2. The firearm is carried within a locked container by the person directly to or from his car, which is within 200 feet, to his residence or business, or the place where he bought or had the firearm repaired.
3. Defines "locked container" as a fully contained, enclosed container, locked by padlock, key lock, combination or other locking device.

A-7

CONTINUED

AA000010

SB 1787  
Page 2

Reason for Bill

The purpose of this bill is to allow persons to legally and safely transport firearms to, from, and within their vehicles.

According to the Senate Judiciary Committee analysis, the author's office states that the law relating to the legal carrying of a concealable firearm without a permit is a quagmire for unwary citizens.

While it permits a person to possess a firearm at his residence and place of business, the rules are very stringent for transporting a concealable firearm from a place of purchase to the home or business, or between the home and business.

According to the author's office, the present law literally requires the person to transport the weapon in open view; a requirement which may cause unnecessary alarm to persons who may witness the act.

The proponent suggests that a safer and saner approach would be to permit the transport of the gun in a "locked container" when the firearm is being transported in a vehicle or is being carried by the person to or from the person's residence or business, or the place of purchase or repair, to a motor vehicle within 200 feet of that site.

Alternatively, the firearm could be locked in the vehicle's trunk, but not in the utility or glove compartment, when transported in a motor vehicle.

FISCAL EFFECT: Appropriation: No Fiscal Committee: No Local: No

SUPPORT: (Verified 4/17/86)

United Sportsmen  
National Rifle Association

ARGUMENTS IN SUPPORT: (See "Reason for Bill" statement of author's office.)

VW:lm 4/17/86 Senate Floor Analyses

AJ

## UNFINISHED BUSINESS

## SENATE RULES COMMITTEE

Office of  
Senate Floor Analyses  
1100 J Street, Suite 305  
445-6614

Bill No. SB 1787  
Author Davis (R), et al  
Amended: 8/12/86  
Vote Required: Majority

Committee Votes:

Senate Floor Vote: p. 5369, 4/24/86

COMMITTEE: JUDICIARY		
BILL NO.: SB 1787		
DATE OF HEARING: 4-1-86		
SENATORS:	AYE	NO
Doolittle	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Keene	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Petris	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Presley	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Richardson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Torres	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Davis (LL)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lockyer (Ch)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TOTAL:	7	0

Senate SB 1787—An act to add Section 12038.1 to the Penal Code, relating to crime.  
Bill read third time.

## Roll Call

The roll was called and the bill was passed by the following vote:  
AYES (34)—Senators Akquist, Ayala, Bergeson, Beverly, Boatwright, Campbell, Carpenter, Craven, Davis, Deddeh, Dills, Doolittle, Ellis, Foran, Bill Greene, Leroy Greene, Hart, Keene, Lockyer, Maddy, Marks, McCorquodale, Mello, Morgan, Nielsen, Petris, Presley, Roberti, Rosenthal, Royce, Russell, Stiern, Vulch, and Watson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Floor Vote: 77-1, 8/21/86

SUBJECT: Concealable weapons

SOURCE: Author

DIGEST: This bill would permit the transporting or carrying of a concealable firearm without a license, under certain conditions.

Assembly Amendments delete Senate version language allowing the firearm to be carried by a person from his or her car, which is within 200 feet, to his or her residence or business, or the place where he bought or had the firearm repaired and inserts instead "for any lawful purpose".

ANALYSIS: Under existing law, any person who carries a concealable firearm upon the person or within any vehicle which is under the person's direction, without having a license to carry that firearm, is guilty of a misdemeanor unless that firearm is within plain sight.

This bill would make specified exemptions to these provisions. Specifically, it would allow the transporting or carrying of a concealable firearm without a license where:

1. The firearm is transported within a motor vehicle and is locked in the vehicle's trunk or in a locked container, other than the utility or glove compartment; or
2. The firearm is carried within a locked container by the person directly to or from his car for any lawful purpose.

PE-4

CONTINUED

AA000012

SB 1181  
Page 2

3. Defines "locked container" as a fully contained, enclosed container, locked by padlock, key lock, combination or other locking device.

Reason for Bill

The purpose of this bill is to allow persons to legally and safely transport firearms to, from, and within their vehicles.

According to the Senate Judiciary Committee analysis, the author's office states that the law relating to the legal carrying of a concealable firearm without a permit is a quagmire for unwary citizens.

While it permits a person to possess a firearm at his residence and place of business, the rules are very stringent for transporting a concealable firearm from a place of purchase to the home or business, or between the home and business.

FISCAL EFFECT: Appropriation: No Fiscal Committee: No Local: No

SUPPORT: (Verified 8/19/86)

California Rifle and Pistol Association  
National Rifle Association  
Californians Against Handguns Violence  
California Wildlife Federation  
Attorney General

ARGUMENTS IN SUPPORT: According to the author's office, the present law literally requires the person to transport the weapon in open view; a requirement which may cause unnecessary alarm to persons who may witness the act.

The proponent suggests that a safer and saner approach would be to permit the transport of the gun in a "locked container" when the firearm is being transported in a vehicle or is being carried by the person to or from the person's residence or business, or the place of purchase or repair, to a motor vehicle within 200 feet of that site.

Alternatively, the firearm could be locked in the vehicle's trunk, but not in the utility or glove compartment, when transported in a motor vehicle.

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CONTINUED

AA000013



SB 1787  
Page 3ASSEMBLY FLOOR VOTE:ACTION: Read third time, passed, and to Senate.  
(Ayes 77. Noes 1.) (PASS)AYES  
\*\*\*\*

Agnes	Allen	Areias	Bader
Baker	Banc	Bates	Bradley
Brenzan	Brown D	Calderon	Campbell
Chacon	Clute	Condit	Connelly
Cortese	Costa	Davis	Duffy
Eaves	Elder	Farr	Felando
Ferguson	Filante	Frazee	Frizzelle
Grisham	Hannigan	Hauser	Hayden
Herger	Hill	Hughes	Isenberg
Johnson	Johnston	Jones	Katz
Kelley	Killea	Klehs	Konnyu
La Follette	Lancaster	Leonard	Lewis
Margolin	McAlister	McClintock	Mojonnier
Molina	Moore	Mountjoy	Naylor
Nolan	O'Connell	Papan	Peace
Polanco	Robinson	Rogers	Roos
Seastrand	Sebastiani	Sher	Statham
Stirling	Tanner	Tucker	Vasconcellos
Vicencia	Waters N	Wright	Wyman
Brown W			

NOES  
\*\*\*\*

Waters M

Voting 8/22/86 Senate Floor Analyses

AA000014

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**LEGISLATIVE HISTORY REPORT AND ANALYSIS**

Re: **Assembly Bill 2609 (Lempert – 1998)**  
Chapter 115, Statutes of 1998

Our File No.: 0620428

The legislative history of the above-referenced bill is documented by materials itemized in one declaration.

To comprehend quickly the presentation and order of the documents and obtain important information on our research policies and procedures and request for judicial notice, please visit our web site at [www.legintent.com](http://www.legintent.com) and click on the links "Points and Authorities" and "Research Aids and Policies."

**ASSEMBLY BILL 2609 (LEMPERT – 1998)**  
**CHAPTER 115, STATUTES OF 1998**

Penal Code section 626.9 was amended in 1998 following legislative passage of Assembly Bill 2609, a single-section bill that proposed only to amend section 626.9. (See Exhibit #1d) This bill was introduced on February 23, 1998 by Assembly member Ted Lempert at the request of the University of California. (See Exhibits #1a and #9, page 1) At this time, Assembly member Lempert served as chair of the Assembly Committee on Higher Education. (See Exhibit #11, document PE-3)

Assembly Bill 2609 was assigned to the Assembly Committee on Public Safety and the Senate Committee on Public Safety where policy issues raised by the bill were considered. (See Exhibits #3 and #7) Two amendments were made to Assembly Bill 2609. (See Exhibits #1b, #1c, and #2) Subsequent to legislative approval, Governor Pete Wilson signed the bill on July 3, 1998, and it was recorded by the Secretary of State on July 6<sup>th</sup> as Chapter 115 of the Statutes of 1998. (See Exhibits #1d and #2)

The Office of Senate Floor Analyses produced a Third Reading analysis of Assembly Bill 2609 as last amended that described this bill as follows:

**DIGEST:** This bill revises the language pertaining to "grounds" of public and private universities, colleges, and the community

college system for purposes of the law which generally bans bringing or possessing firearms at those institutions to instead read “the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property” and to make related changes. (See Exhibit #9, page 1)

Discussing the background driving the proposals in his bill, the Assembly Committee on Public Safety analysis of Assembly Bill 2609 reported on Assembly member Lempert’s statements as follows:

... “While the Gun Free School Zone Act of 1995 prohibits possession of a firearm on or within 1,000 feet of the grounds of any school, a recent case has tested the clarity of this statute. On June 23, 1994, University of California Santa Barbara (UCSB), police responded to a domestic violence complaint at a complex contiguous to the main campus. The officers arrested and charged a student with pulling his wife’s hair, injuring his one-year old son, and possessing a loaded firearm – an unregistered 9mm semi-automatic weapon that police found in a hall closet. His argument was that off-campus residences are not necessarily part of the “grounds of the University,” and therefore, his loaded gun was legal. The trial and appellate courts ruled against the student, but called upon the legislature to clarify the parcels that are considered part of a campus. AB 2609 states unequivocally that college or university residences do constitute part of campus grounds and therefore guns are illegal on or within 1,000 feet of those parcels.” (See Exhibit #3, page 2)

It appears that the case noted above was People v. Anaim (1996) 47 Cal.App.4<sup>th</sup> 401, which was issued by the California Court of Appeal, Division Six, Second Appellate District, but “which was subsequently denied review and ordered depublished by the California Supreme Court (1996 Cal. LEXIS 6320).” (See Exhibit #7, page 4) The Senate Committee on Public Safety analysis provided discussion regarding this case that you may find helpful. (Id.)

In his letter to Governor Wilson, Assembly member Lempert noted the scope of the proposals in his bill as follows:

Other than explicitly including non-contiguous university property under the Gun Free School Zone Act (Act) and requiring universities to post notices on such property, this bill does not make any other changes to the Act. (See Exhibit #11, document PE-3)

The Assembly Committee on Public Safety reiterated this purpose, stating that it was Assembly member Lempert’s intent “to codify the court’s finding that ‘university owned’ property contiguous to the traditional campus is indeed covered by the [Gun Free School Zone] Act.” (See Exhibit #3, page 5)

It appears from an Enrolled Bill Report analysis of Assembly Bill 2609 that was prepared by the Office of Criminal Justice Planning that the National Rifle Association opposed this bill. (See Exhibit #11, documents PE-4, et seq.) With regards to this opposition, the Office of criminal Justice Planning noted that:

... The bill addresses all but one of the National Rifle Association's concerns. The remaining concerns that "secure storage" facilities for students be created. OCJP does not believe that the absence of this provision justifies vetoing the bill. (See Exhibit #11, document PE-4)

At the time that Assembly Bill 2609 was introduced, the bill proposed only to amend Penal Code section 626.9 to substantively amend the language of subdivisions (h) and (i). (See Exhibit #1a) As mentioned above, after its introduction, Assembly Bill 2609 was amended twice more before it was enacted into law. (See Exhibits #1b and #1c) A full understanding of legislative intent may be dependent upon knowing about the various proposals as introduced into the bill and then as amended throughout the bill's consideration by the Assembly and the Senate Committees reviewing this measure. (Id.) This can be particularly helpful where your focus is on specific language; by contrasting that enacted with the prior proposals in the bill one can gain insight as to the intended meaning or the apparent controversy generated by the language of interest. (Id.)

The Concurrence analysis noted the Assembly and Senate amendments as follows:

The Senate amendments:

- 1) Clarify that firearms are not permitted on specified university or college property including places of residence or places of business.
- 2) Require a college or university to post a prominent notice at primary entrances on its noncontiguous property stating that firearms are prohibited on that property.

...

AS PASSED BY THE ASSEMBLY, this bill clarified the Act to forbid the bringing or possession of any firearm on the grounds of, or on any buildings owned or operated by a public or private university or college used for the purpose of student housing, teaching, research or administration, that are contiguous or are clearly marked university property. Exempted specified law enforcement and security personnel.

(See Exhibit #10b, pages 1 and 2)

The language you are investigating may be affected by bills, pending or enacted, in the current legislative session. *We do not ordinarily review for current session bills, but will do so upon request.*

Any analysis provided in this report is based upon the nature and extent of your request to us, as well as a brief review of the enclosed documents. As such, it must be considered tentative in nature. A more conclusive statement of the impact of the legislative history in your case would be dependent upon a complete understanding of all of the factual issues involved and the applicable legal principles.

We appreciate the opportunity to provide this assistance and hope that these efforts will be of value to you.

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**DECLARATION OF FILOMENA M. YEROSHEK**

I, Filomena M. Yeroshek, declare:

I am an attorney licensed to practice before the courts of the State of California, State Bar No. 125625, and am employed by Legislative Intent Service, Inc., Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Assembly Bill 2609. Assembly Bill 2609 was approved by the Legislature and was enacted as Chapter 115 of the Statutes of 1998.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Assembly Bill 2609 of 1998. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc.. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

**ASSEMBLY BILL 2609 OF 1998:**

1. All versions of Assembly Bill 2609 (Lempert-1998);
2. Procedural history of Assembly Bill 2609 from the 1997-98 Assembly Final History;
3. Analysis of Assembly Bill 2609 prepared for the Assembly Committee on Public Safety;
4. Material from the legislative bill file of the Assembly Committee on Public Safety on Assembly Bill 2609;
5. Two Third Reading analyses of Assembly Bill 2609 prepared by the Assembly Committee on Public Safety;
6. Material from the legislative bill file of the Assembly Republican Caucus on Assembly Bill 2609;
7. Analysis of Assembly Bill 2609 prepared for the Senate Committee on Public Safety;

8. Material from the legislative bill file of the Senate Committee on Public Safety on Assembly Bill 2609;
9. Third Reading analysis of Assembly Bill 2609 prepared by the Office of Senate Floor Analyses;
10. Two Concurrence in Senate Amendments analyses of Assembly Bill 2609 prepared by the Assembly Committee on Public Safety;
11. Post-enrollment documents regarding Assembly Bill 2609;
12. Excerpt regarding Assembly Bill 2609 from the 1998 Digest of Significant Legislation, prepared by the Office of Senate Floor Analyses, November 1998.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 27th day of November, 2006 at Woodland, California.



*Filomena M. Yeroshek*

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FILOMENA M. YEROSHEK

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AB 2609

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Date of Hearing: May 5, 1998  
Consultant: Dia S. Poole

C.O.P.S.  
Do Not Remove

ASSEMBLY COMMITTEE ON PUBLIC SAFETY  
Don Perata, Chair

AB 2609 (Lempert) - As Introduced: February 23, 1998

SUMMARY: Clarifies the Gun Free School Zone Act by expressly forbidding possession of any firearm in any buildings and associated student housing at a college or university campus.

EXISTING LAW:

- 1) Provides it is a felony for any person to bring or possess a loaded firearm upon the grounds of any university or college campus, including the University of California, the California State University, the California Community Colleges, or any private university or college, unless done with the written permission of the university or college president, his or her designee, or equivalent college or university authority, punishable by two, three or four years in state prison. (Penal Code Section 626.9 (h).)
- 2) Makes it a felony for any person to bring or possess a firearm upon the grounds of any university or college campus, including the University of California, the California State University, the California Community Colleges, or any private university or college, unless done with the written permission of the university or college president, his or her designee, or equivalent college or university authority, punishable by one, two, or three years in state prison. (Penal Code Section 626.9 (i).)
- 3) Makes it an alternative felony/misdemeanor for any person except specified peace officers to bring or possess any dirk, dagger, ice pick, knife with a fixed blade longer than 2.5 inches, folding knife, razor, taser, or stun gun, BB or pellet gun, or spot marker gun, on the grounds of, or within, any public or private kindergarten through 12th grade school, punishable by up to one year in a county jail, or imprisonment in the state prison for 16 months, 2 or 3 years. (Penal Code Section 626.10(a).)
- 4) Makes it an alternative felony/misdemeanor for any person except specified peace officers to bring or possess any dirk, dagger, ice pick, or knife with a fixed blade longer than 2.5 inches on the grounds of, or within, any private university, the University of California, the California State University, or the California Community Colleges, punishable by up to one year in a county jail, or imprisonment in the state prison by 16 months, 2 or 3 years. (Penal Code Section 626.10(b).)
- 5) Prohibits any person from carrying a concealed firearm under specified conditions and at specified locations. (Penal Code Section 12025.)
- 6) Exempts persons, of legal age and legal residency, from the prohibition against carrying concealed weapons if the weapon is anywhere within the

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citizen's or legal resident's place of residence, place of business, or on private property owned or lawfully possessed by the citizen or legal resident. (Penal Code Section 12026.)

- 7) Enacts the Interagency School Safety Demonstration Act of 1985 and encourages California public schools, in coordination with law enforcement agencies, to develop comprehensive safety plans aimed at prevention of crime and violence on school campuses and improve school attendance, reduce vandalism, drug and alcohol abuse, gang membership, and gang violence. (Education Code Section 32261.)

COMMENTS:

- 1) Author's Statement. According to the author, "While the Gun Free School Zone Act of 1995 prohibits possession of a firearm on or within 1,000 feet of the grounds of any school, a recent case has tested the clarity of this statute. On June 23, 1994, University of California Santa Barbara (UCSB), police responded to a domestic violence complaint at a complex contiguous to the main campus. The officers arrested and charged a student with pulling his wife's hair, injuring his one-year old son, and possessing a loaded firearm -- an unregistered 9mm semi-automatic weapon that police found in a hall closet. His argument was that off-campus residences are not necessarily part of the "grounds of the University," and therefore, his loaded gun was legal. The trial and appellate courts ruled against the student, but called upon the legislature to clarify the parcels that are considered part of a campus. AB 2609 states unequivocally that college or university residences do constitute part of campus grounds and therefore guns are illegal on or within 1,000 feet of those parcels."
- 2) Gun-Free School Zone Act of 1995. Enacted by AB 645 (Allen), Chapter 1015, Statutes of 1994, the Gun-Free School Zone Act, hereafter referred to as the "Act," generally provides that any person who possesses, discharges, or attempts to discharge a firearm, in a place that the person knows, or reasonably should know, is within a distance of 1,000 feet from the grounds of any public or private school, kindergarten or Grades 1 to 12, (a "school zone"), without written permission, may be found guilty of a felony or misdemeanor and is subject to a term in county jail or state prison.

The Act does not require that notices be posted regarding prohibited conduct under the Act; therefore, it is incumbent on the individual possessing the firearm to be knowledgeable of and adhere to the Act.

- a) Definitions. A "school zone" is defined as an area in, or on the grounds of, a public or private school providing instruction in kindergarten or Grades 1 to 12, inclusive, and within a distance of 1,000 feet from the grounds of the public or private school. The Act also provides specific definitions of a "loaded" firearm and a "locked container" for securing firearms.
- b) Exemptions. The Act permits the possession of a firearm in a school zone under specific circumstances:
  - i. On a place of residence, business, or private property, if it is



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not part of the school grounds and the possession of the firearm is otherwise lawful.

- ii. If the firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle, or if it is a non-concealable firearm being lawfully transported.
  - iii. When a person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety.
  - iv. On an existing shooting range at a public or private school or university or college campus.
- c) Persons Exempted. The following persons are permitted to carry a concealed firearm within a school zone:
- i. Duly appointed peace officers, full-time paid peace officers of another state or the federal government who are carrying out official duties, assistants of a peace officer while engaged in assisting the officer, a member of the military forces of California or of the United States who is engaged in the performance of his or her duties, a person holding a valid license to carry the firearm, or an armored vehicle guard engaged in the performance of his or her duties.
  - ii. A security guard authorized to carry a loaded firearm.
  - iii. An honorably retired peace officer authorized to carry a concealed or loaded firearm.
  - iv. Persons exempted by applicable paragraphs of Penal Code Sections 12027:
    - a. A person engaged in the business of manufacturing, importing, wholesaling, repairing, or dealing in firearms who is licensed to do so, providing the firearms are unloaded and concealable.
    - b. A person by duly authorized military or civil organizations while parading, when going to and from the places of meeting of their respective organizations, providing the firearms are unloaded and concealable.
    - c. Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value.
    - d. A person operating a licensed common carrier or an authorized agent or employee thereof when transported in

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conformance with applicable federal law.

- d) Penalties. AB 624 (Allen), Chapter 659, Statutes of 1995, provided specific sentencing guidelines for persons convicted under the Act:
- i. Possessing a firearm in or on the grounds of a public or private school, K-12 grades, is a felony punishable by two, three, or five years in state prison.
  - ii. Possessing a firearm within a distance of 1,000 feet from the grounds of a public or private school, K-12 grades, is punishable as follows:
    - a. If the person previously: (i) has been convicted of any felony, (ii) is within a class of persons prohibited from possessing or acquiring a firearm, or (iii) if the firearm is concealable and the offense is punished as a felony pursuant to Penal Code Section 12025, it is a felony punishable by 2, 3, or 5 years in state prison.
    - b. In all cases not specified above, the person is subject to an alternate felony/misdemeanor punishable by up to 1 year in a county jail or by 2, 3, or 5 years in state prison.
  - iii. Discharging or attempting to discharge a firearm in a school zone, with reckless disregard for the safety of another, is punishable by 3, 5, or 7 years in state prison.
  - iv. A person convicted of a misdemeanor violation for possessing a firearm in a place that he or she knows, or reasonably should know, is a school zone is subject to a minimum of three months in county jail if the person has been convicted previously of a misdemeanor firearms offense as specified. If probation is granted or the sentence is suspended, the jail term will be a condition thereof.
  - v. A person convicted of a felony violation for possessing, discharging, or attempting to discharge a firearm in a school zone is subject to a minimum of three months in county jail, or if probation is granted or the sentence is suspended, the jail term will be a condition thereof, if:
    - a. The person has previously been convicted of a misdemeanor firearms offense as specified, or
    - b. the person has previously been convicted of any felony or any punishable firearms offense.
  - vi. The court may waive the minimum sentence if it finds that the interests of justice would be best served by granting probation or suspending execution of the sentence.
- e) Colleges and Universities. Bringing or possessing a loaded firearm upon the grounds of any university or college campus without written



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permission, is punishable by 2, 3, or 4 years in state prison. Bringing or possessing a firearm generally is punishable by 1, 2, or 3 years in prison. The 1,000 feet prohibition does not apply.

- 3) Place of Residence Argument in People v. Anaim. Existing law does exempt persons, of legal age and legal residency, from the prohibition against carrying concealed weapons if the weapon is "anywhere within the citizen's or legal resident's place of residence, place of business, or on private property owned or lawfully possessed by the citizen or legal resident..." (Penal Code Section 12026).

In the case cited by the sponsor of this bill, the Appellate District Court of Appeals ruled that, "the statute prohibiting the possession of loaded firearms on the University grounds or campus applies to a university-owned apartment complex located on grounds contiguous to the traditional main campus" (People v. Bilal Alvert Anaim (1996) 47 Cal. App. 4th 401).

The Appellate Court's interpretation implies not only that "grounds of the University" encompasses areas such as student dormitories, but also that the prohibition in Penal Code 626.9 supersedes the "place of residence" exemption in Penal Code 12026.

This case, however, was ordered "de-published" by the Supreme Court of California so the Appellate Court's decision does not set a legal precedent. Notwithstanding, AB 2609 would provide the clarification recommended in the Appellate Court's decision.

- 4) Does AB 2609 Meet the Author's Intent Completely? The author's stated intent is to codify the court's finding that "university owned" property contiguous to the traditional campus is indeed covered by the Act. Does the proposed amendment to specify "buildings, and associated student housing of any public or private..." satisfactorily meet that need? Would buildings leased by the university for extension classes, for example, that are contiguous to a campus, be covered by the Act as amended?
- 5) Incidences of Gun Violence. Although firearms-related violations occur relatively infrequently, a 1994 report conducted by the California Research Bureau on school violence noted two incidents near University of California campuses:
- a) In 1990, a mentally disturbed gunman killed a student and held 33 hostages at a nearby establishment before being killed by Berkeley city police.
  - b) In 1992, an individual armed with a weapon broke into the Chancellor's house and was killed by Oakland city police.
- 6) Related Legislation. AB 2116 (Perata), set for hearing by this Committee today, expands the list of persons authorized to carry a loaded firearm in a school zone during the scope and course of their employment to include harbor police officers, specified guards, and private investigators.
- 7) Chaptering Conflict. As this bill moves to the Governor, chaptering

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language is needed to avoid chaptering out AB 2116.

- 8) Support. Officials at the University of California argue that the provisions of AB 2609 are mandated by two trial and appellate court decisions, as indicated in the Author's Statement (Comment #1). "The appellate decision held that the Act 'encompasses the traditional main campus of the University and contiguous parcels owned by The Regents of the University of California...' but called upon the Legislature to clarify the phrase for future cases. AB 2609 provides this clarification.

"Without AB 2609, the trial process described above will have to be repeated the next time a student charged with having a gun in his dormitory claims that his right to have a firearm in his home supersedes the Act. A local district attorney might be reluctant to pursue the case, particularly since Penal Code statutes must be construed in the light most favorable to defendants.

"Dormitories should be safe havens for students. AB 2609 will erase any legal doubt that firearms are prohibited in all campus-owned housing."

REGISTERED SUPPORT/OPPOSITION:

Support

University of California (sponsor)

Opposition

None on file

Analysis prepared by: Dia S. Poole / apubs / (916) 445-3268

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August 27, 1997

Mr. John Chason  
Mr. Chuck Michel  
MICHEL & ASSOCIATES  
5757 West Century Boulevard, Suite 700  
Los Angeles, California 90045

Re: **Penal Code Sections 12025 and 12050**

Derived from:

- Section 5 of Chapter 145, Statutes of 1917
- Sections 5 and 11 of Chapter 339, Statutes of 1923

**Penal Code Section 12031**

as added by Chapter 960, Statutes of 1967

Our file no.: 790972

Dear Messrs. Chason and Michel:

You have requested the legislative history of Penal Code Sections 12025, 12031, and 12050 as outlined above. To document this history, we include material as follows:

- |           |   |                            |
|-----------|---|----------------------------|
| Exhibit A | - | Assembly Bill 263 of 1923  |
| Exhibit B | - | Assembly Bill 32 of 1923   |
| Exhibit C | - | Senate Bill 109 of 1923    |
| Exhibit D | - | Background material        |
| Exhibit E | - | Assembly Bill 980 of 1917  |
| Exhibit F | - | Background material        |
| Exhibit G | - | Assembly Bill 1591 of 1967 |

The documents included are preceded by a declaration, executed by one of the attorneys who participated in this research project, which will provide an index to the material being forwarded, and will also provide a first step in building a foundation for authenticating the documents.

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Mr. Chuck Michel  
August 27, 1997  
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The Declaration is designed to be attached as an exhibit to a declaration by the attorney submitting the documents to the court. (Code of Civil Procedure Section 2015.5; California Rule of Court rules 41(a), 42(b), and 201(a)(1)) The attorney declaration should identify which particular documents from the collection are being submitted to the court, and in appropriate cases explain why the other available documents are not being submitted (i.e., not pertinent to issues but available upon request). The declaration should further verify that the documents are being submitted as received from Legislative Intent Service. (Frio v. Superior Court (1988) 203 Cal. App. 3d 1480, 1487, footnote #3; Main San Gabriel Basin Watermaster v. State Water Resources Control Board (1989) 12 Cal. App. 4th 1371, 1381; Carlton Browne & Co. v. Superior Court (1989) 210 Cal. App. 3d, 35, 41, footnote #4)

**PENAL CODE SECTIONS 12025 AND 12050  
DERIVED FROM SECTIONS 5 AND 11 OF CHAPTER 339, STATUTES OF 1923**

Penal Code Sections 12025 and 12050, as well as 12026, 12027, 12051, 12052, and 12053 relating to restrictions on concealed firearms can all be traced back to Assembly Bill 263 of 1923. Assembly Bill 263 was introduced by Assembly member F. C. Hawes and was referred to the Assembly and Senate Committees on Judiciary. (See Exhibit A, #1) The bill was then approved by former Governor Friend Wm. Richardson and was recorded by the Secretary of State as Chapter 339 of the Statutes of 1923.

The 1923 legislation made numerous amendments to an 1917 Act, which was "An Act relating to and regulating the carrying, possession, sale or other disposition of firearms capable of being concealed upon the person; . . ." (See Exhibit A, #1 and #3)

The 1917 Act contained much of the language that has evolved into Section 12025 in particular, and many of the other sections you are interested in. (See Exhibit F) We include material on the 1917 Act as Exhibit E.

Our search for material on Assembly Bill 263 sought information from numerous sources: legislative documents of the committees hearing the bill, the Senate and Assembly Journals, law reviews, the California Peace Officers Association, the National Riflemen's Association, noted author Franklin Hichborn's series of books on early legislative sessions, the California Attorney General's Office, area newspapers, and various crime commission studies and reports. We have enclosed legislative documents which appear pertinent to these particular enactments.



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Mr. Chuck Michel  
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An article from the San Francisco Chronicle gives some background on Assembly Bill 263:

"Aimed at disarming the lawless, the bill provides exemptions and exceptions to preserve the rights of those using firearms for competition or hunting or for protection in outing trips. It was largely on the recommendation of R.T. McKissick, president of the Sacramento Rifle and Revolver Club that Governor Richardson approved the measure.

...

The bill, according to McKissick follows almost literally one offered in the United States Senate by Senator Capper and advocated by associations interested in the manufacture, sale and legitimate use of pistols and revolvers, as a model for a uniform bill to be introduced in each State. 'It is frankly,' he says 'an effort upon the part of those who know something about firearms to forestall the flood of fanatical legislation intended to deprive all citizens of the United States of the right to own and use, for legitimate purposes, firearms capable of being concealed upon the person'"  
(See Exhibit A, #5)

The information that the 1923 enactment was derived from a uniform model bill seems confirmed in Pistol Regulation, a book originally published in 1930. It provides under "Uniform State Legislation":

"It has been felt for many years that pistol laws should be substantially uniform throughout the states. Active work in this direction began a number of years ago, and after much study an act was prepared in 1922 and was offered to the legislatures of the various states. In substance, it was adopted in 1923 in California, North Dakota, and New Hampshire."  
(See Exhibit D, #2. page 28)

I have included a 1929 Report of the California Crime Commission. (See Exhibit D, #1) Although this Report was published after the passage of the 1923 legislation, it is useful in reconstructing the historical circumstances regarding the earlier legislation. As you can see, it appears the major concern of the Legislature during the 1920's, as reflected in the Report, was the commission of crimes with the use of firearms. (See Exhibit D, #1) The Commission states their concern over the serious crimes which were being committed with a firearm of some sort being used. (See Exhibit D, #1, page 20) The Commission suggested amending the 1923



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Act, recognizing that the Act was ". . . of material aid in curbing the unrestrained sale of guns. The amendment to the law is offered solely with the thought of strengthening this statute." (See Exhibit D, #1, page 22)

I have enclosed additional legislative measures also dealing with the concealed weapons issue introduced during the 1923 legislative session. These legislative measures were unsuccessful in obtaining legislative approval. You may wish to review the particular language proposed by each of these "companion" measures in order to make inferences from the Legislature's preference in adopting the language of Assembly Bill 263 of 1923.

An article excerpted from the San Francisco Examiner dated June 8, 1916 discussing a local judge's declaration that a law was necessary to control the possession of firearms. This article seems to reflect to some degree a perspective of the public on the need for weapons control prior to the introduction of the 1917 measure. In part, the article states:

"What is the plea of a community confronted with the charge of permitting desperate and insane persons to buy revolvers at will?

The State has assumed the right to regulate the sale of habit-forming drugs. It should regulate the sale of firearms on the same ground, that public safety demands restriction of the distribution of weapons."  
(See Exhibit D, #3)

It appears that one of the specific purposes of the 1923 Act was to add references to concealing a weapon in an automobile, apparently resulting from the exponential increase in the number of automobiles owned and operated in the State. As background information you might be interested to know that this same 1923 legislative session which added the references to automobiles to this Penal Code Act also created the comprehensive Motor Vehicle Act from which our modern Vehicle Code has been derived.

**PENAL CODE SECTION 12031**  
**AS ADDED BY CHAPTER 960, STATUTES OF 1967**

Penal Code Section 12031 was added in 1967 following legislative passage of Assembly Bill 1591. (See Exhibit G, #1) Assembly member Mulford introduced Assembly Bill 1591 on April 5, 1967. (See Exhibit G, #1a)

Assembly Bill 1591 was assigned to the Assembly Committee on Criminal Procedure where policy issues raised by the bill were considered. (See Exhibit G, #2) The Assembly amended the bill on May 10, May 22, May 24, May 31, and

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June 6, 1967. (See Exhibit G, #1b through #1f) Assembly Bill 1591 was approved by the Assembly and forwarded to the Senate on June 8, 1967. (See Exhibit G, #2)

While in the Senate, the Committee on Judiciary considered the policy issues raised by the bill. (See Exhibit G, #2) One amendment was made to Assembly Bill 1591 by the Senate, on June 27, 1967. (See Exhibit G, #1g) The Senate thereafter approved the bill and returned it to the Assembly. (See Exhibit G, #2)

The Assembly approved the Senate amendments, and Assembly Bill 1591 was forwarded to the Governor on July 28, 1967. Former Governor Ronald Reagan signed the bill on July 28, 1967, and it was recorded by the Secretary of State on that date as Chapter 960 of the Statutes of 1967. (See Exhibit G, #1h and #2)

Assembly Bill 1591 contained an urgency clause which caused the bill to become effective immediately upon enactment. The urgency clause, found in Section 6 of Chapter 960, states the reason for the urgency:

"The State of California has witnessed, in recent years, the increasing incidence of organized groups and individuals publicly arming themselves for purposes inimical to the peace and safety of the people of California.

Existing laws are not adequate to protect the people of this state from either the use of such weapons or from violent incidents arising from the mere presence of such armed individuals in public places. Therefore, in order to prevent the potentially tragic consequences of such activities, it is imperative that this statute take effect immediately."

(See Exhibit G, #1h, page 2463)

A memorandum dated July 28, 1967 to the Governor describes Assembly Bill 1591 stating:

"Assembly Bill No. 1591 prohibits the carrying of a loaded firearm on one's person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory, except for specified law enforcement officers, military personnel, bank guards and messengers, sportsmen, private investigators and patrol operators, and persons authorized to carry concealable weapons.

The bill prohibits bring[ing] a loaded firearm into, or possessing a loaded firearm within, any public school, the State Capitol, any

Mr. John Chason  
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legislative office, any hearing room in which a committee of the Senate or Assembly is conducting a hearing, any office of the Governor or other constitutional officer, the Governor's residence or the residence of any other constitutional officer or the residence of any Member of the Legislature."  
(See Exhibit G, #4, document PE-2)

An article entitled "Reagan Signs Tough Gun Law" from the San Francisco Chronicle dated July 29, 1967, provides some background on the bill, stating in part:

"Governor Ronald Reagan signed a strict gun control law yesterday, banning loaded firearms in public.

'Everybody get ready to unload their guns now,' said the Republican governor jokingly as he signed the bill into law.

He and the law's sponsor, Assemblyman Don Mulford (Rep-Piedmont) said the act won't restrict legitimate hunters as several opponents have argued.

'I don't think any true sportsman . . . could be against this,' Reagan said 'I don't think there's anything unduly restrictive in this.'

Mulford said he felt his new law would be a 'blueprint' for other states to enact similar legislation, although he made no reference to racial rioting.

The bill is aimed largely against white paramilitary groups such as the Minutemen and militant Negro groups.

The bill became a matter of urgency. Mulford said, after a band of armed Negro Black Panther party members stalked into the capitol on May 2 and burst into the assembly chamber in protest of the measure."  
(See Exhibit G, #8c)

Bills affecting the language you are investigating may be pending in the 1997 session. While the Legislature began introducing bills in December of 1996, serious formal consideration of bills does not ordinarily begin until late winter or early spring, and few bills are actually passed before the budget is approved in early summer. We do not ordinarily review for current session bills as in most cases any changes would not be effective as to pre-existing fact situations, but will do so upon

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Mr. John Chason  
Mr. Chuck Michel  
August 27, 1997  
Page - 7 -

request. A simple means to request a search for current session bills is to fax a copy of the first page of this letter with a handwritten phone or fax number to which you wish us to report. There is no additional charge to check for the existence of current session legislation.

Any analysis provided is based upon the nature and extent of your request to us, as well as a brief review of the enclosed documents. As such, it must be considered tentative in nature. A more conclusive statement of the impact of the legislative history in your case would be dependent upon a complete understanding of all of the factual issues involved and the applicable legal principles.

In this regard, you may wish to separately retain Mr. Bill Keller, one of our Directors, in order to utilize his skills as a consultant or expert witness. Mr. Keller has extensive experience in analyzing and presenting legislative documents to the courts. (Please see enclosed brochure.) If you do desire to utilize Mr. Keller in this capacity, a specific agreement directly with him will be necessary. The fee for this service will be quoted upon request. He may be reached at (916) 449-3949.

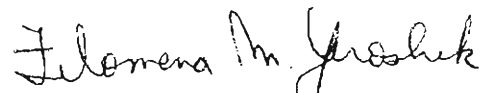
Evidence of legislative intent is relied upon in both federal and state courts. In addition to the materials already mentioned, points and authorities on statutory and case law authority for the use of legislative documents are included in the package.

Please take a moment to review our policies, including those regarding the completeness of research, as set forth in this package. Note particularly the availability of videotapes of selected recent legislative proceedings.

I appreciate the opportunity to provide this assistance and hope that these efforts will be of value to you.

Very truly yours,

LEGISLATIVE INTENT SERVICE

  
FILOMENA M. YEROSHEK  
Attorney

FMY:lej  
Enclosures

K:\790972FN\FMY\SDB

AA000033

LEGISLATIVE  
INTENT SERVICE

712 Main Street, Woodland, CA 95695  
(800) 666-1917 • (916) 441-7959 • Fax: (916) 668-5866

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**DECLARATION OF FILOMENA M. YEROSHEK**

I, Filomena M. Yeroshek, declare:

I am an attorney licensed to practice before the courts of the State of California, State Bar No. 125625, and am employed by Legislative Intent Service, a California Partnership specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service undertook to locate and obtain all documents relevant to the enactment of Assembly Bill 263 of 1923. Assembly Bill 263 was approved by the Legislature and was enacted as Chapter 339 of the Statutes of 1923.

The following list identifies all documents obtained by the staff of Legislative Intent Service on Assembly Bill 263 of 1923. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. In compiling this collection, the staff of Legislative Intent Service operated under directions to locate and obtain all available material on the bill.

**ASSEMBLY BILL 263 OF 1923:**

1. Assembly Bill 263 (Hawes) as introduced on January 24, 1923; as amended on April 13, April 27, and May 10, 1923; and as enacted as Chapter 339, Statutes of 1923;
2. Procedural history of Assembly Bill 263 from the 1923 Assembly Final History;
3. Excerpt regarding Assembly Bill 263 from the 1923 Legislative Digest, prepared by Legislative Counsel;
4. Excerpt regarding Assembly member F.C. Hawes from the 1923 "Legislative Handbook";
5. News article entitled "New Firearms Law Effective on August 7," excerpted from the San Francisco Chronicle, July 15, 1923, page 3, column 1.

**ASSEMBLY BILL 32 OF 1923:**

1. Assembly Bill 32 (Badaracco) as introduced on January 15, 1923;

2. Procedural history of Assembly Bill 32 from the 1923 Assembly Final History;
3. Excerpt regarding Assembly Bill 32 from the 1923 Legislative Digest, prepared by Legislative Counsel;
4. Excerpt regarding Assemblyman J.B. Badaracco from the 1923 "Legislative Handbook."

**SENATE BILL 109 OF 1923:**

1. Senate Bill 109 (Inman) as introduced on January 23, 1923;
2. Procedural history of Senate Bill 109 from the 1923 Senate Final History;
3. Excerpt regarding Senate Bill 109 from the 1923 Legislative Digest, prepared by Legislative Counsel;
4. Excerpt regarding Senator J.M. Inman from the 1923 "Legislative Handbook."

**BACKGROUND MATERIAL:**

1. Excerpt regarding Firearm Legislation from the Report of the California Crime Commission, 1929;
2. Excerpt regarding Firearm Legislation from Pistol Regulation, by Karl Frederick, 1930-31 (revised 1964);
3. News article entitled "Judge Would Restrict the Sale of Weapons," excerpted from the San Francisco Examiner, June 8, 1916, page 22, column 2.

**ASSEMBLY BILL 980 OF 1917:**


1. Assembly Bill 980 (Marks) as introduced on January 25, 1917; as amended on March 16, March 20, April 3, and April 5, 1917; and as enacted as Chapter 145, Statutes of 1917;
2. Procedural history of Assembly Bill 980 from the 1917 Assembly Final History;
3. Excerpt regarding Assembly member Milton Marks from the 1917 "Legislative Handbook";
4. Assembly Bill 46 (Phillips) as introduced on January 12, 1917;
5. Assembly Bill 569 (Phillips) as introduced on January 23, 1917.

**HISTORICAL DERIVATIONS:**

1. Historical Derivation of Penal Code Section 12025 compiled by Legislative Intent Service, numbered consecutively as 1-1 through 1-3;

2. Historical Derivation of Penal Code Section 12026 compiled by Legislative Intent Service, numbered consecutively as 2-1 and 2-2;
3. Historical Derivation of Penal Code Section 12026.1 compiled by Legislative Intent Service, numbered as 3-1;
4. Historical Derivation of Penal Code Section 12026.2 compiled by Legislative Intent Service, numbered consecutively as 4-1 through 4-5;
5. Historical Derivation of Penal Code Section 12026.7 compiled by Legislative Intent Service, numbered consecutively as 5-1 through 5-8;
6. Historical Derivation of Penal Code Section 12031 compiled by Legislative Intent Service, numbered consecutively as 6-1 through 6-8;
7. Historical Derivation of Penal Code Section 12050 compiled by Legislative Intent Service, numbered consecutively as 7-1 through 7-3;
8. Historical Derivation of Penal Code Section 12051 compiled by Legislative Intent Service, numbered consecutively as 8-1 through 8-6;
9. Historical Derivation of Penal Code Section 12053 compiled by Legislative Intent Service, numbered consecutively as 9-1 and 9-2;
10. Historical Derivation of Penal Code Section 12054 compiled by Legislative Intent Service, numbered consecutively as 10-1 and 10-2.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 27th day of August, 1996 at Woodland, California.

  
\_\_\_\_\_  
FILOMENA M. YEROSHEK

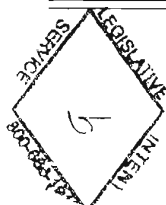
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AMENDED IN ASSEMBLY MAY 10, 1967

CALIFORNIA LEGISLATURE—1967 REGULAR SESSION

ASSEMBLY BILL

No. 1591



Introduced by Assemblyman Mulford

April 5, 1967

REFERRED TO COMMITTEE ON CRIMINAL PROCEDURE

*An act to amend Sections 405.5 AMEND SECTION 2006 OF THE FISH AND GAME CODE, AND TO ADD SECTIONS 171c, 171d, and 12031 to the Penal Code, relating to firearms AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY.*

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 405.5 is added to the Penal Code, to
- 2 read:
- 3 405.5. Every person who instructs another in the use of
- 4 firearms for the commission of the crime of riot is guilty of
- 5 a misdemeanor.
- 6 SEC. 2
- 7 SECTION 1. Section 12031 is added to the Penal Code, to
- 8 read:
- 9 12031. (a) Except as provided in subdivision (b), every
- 10 person who carries a loaded firearm on his person while on a
- 11 public street or in a public place within any city or in a vehicle
- 12 while in any public place or on any public street in an in-

LEGISLATIVE COUNSEL'S DIGEST

AB 1591, as amended, Mulford (Crim. Pro.). Firearms.

Adds Secs. 405.5 Secs. 171c, 171d and 12031, Pen.C., amends Sec. 2006, P. & G.C.

Prohibits instruction in the use of firearms for the commission of the crime of riot.

Prohibits carrying of a loaded firearm on one's person on a public street or in a public place within any city or in a vehicle while in any public place or on any public street in an incorporated city or in an inhabited area of unincorporated territory, except for peace officers, certain guards, members of the armed forces when on duty, and per-

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AB 1591

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1 incorporated city or in an inhabited area of unincorporated ter-  
2 ritory is guilty of a misdemeanor.

3 (b) Subdivision (a) shall not apply to any of following:

4 (1) Sheriffs, constables, marshals, policemen, members of  
5 the California Highway Patrol, and employees of the State  
6 Department of Justice listed in Section 817 who are desig-  
7 nated as peace officers, whether active or honorably retired,  
8 other duly appointed peace officers, full-time paid peace offi-  
9 cers of other states and the federal government who are carry-  
10 ing out official duties while in California, or any person sum-  
11 moned by any such officers to assist in making arrests or pre-  
12 serving the peace while he is actually engaged in assisting  
13 such officer.

14 (2) Guards or messengers of common carriers, banks, and  
15 other financial institutions while actually employed in and  
16 about the shipment, transportation, or delivery of any money,  
17 treasure, bullion, bonds, or other thing of value within this  
18 state.

19 (3) Members of the Army, Navy, or Marine Corps of the  
20 United States, or the National Guard, when on duty, or or-  
21 ganizations which are by law authorized to purchase or re-  
22 ceive such weapons from the United States or this state.

23 (4) Persons who are using target ranges for the purpose  
24 of practice shooting with a firearm.

25 (5) Patrol special police officers appointed by the police  
26 commission of any city, county, or city and county under the  
27 express terms of its charter who also under the express terms  
28 of the charter (i) are subject to suspension or dismissal after  
29 a hearing on charges duly filed with the commission after a  
30 fair and impartial trial, (ii) must be not less than 21 years  
31 of age nor more than 40 years of age, (iii) must possess physi-  
32 cal qualifications prescribed by the commission, and (iv) are  
33 designated by the police commission as the owners of a cer-

sons who are using target ranges for practice shooting purposes speci-  
fied persons.

Authorizes peace officers, in order to determine whether or not it is  
loaded, to examine any firearm carried by anyone on his person or in  
a vehicle while in any public place or on any public street in an in-  
corporated city or inhabited area of an unincorporated territory, and  
makes refusal to allow such inspection probable cause for arrest.

With specified exceptions, prohibits bringing a loaded firearm into,  
or possessing a loaded firearm within, any public school, the State  
Capitol, any hearing room in which a committee of the Senate or Assem-  
bly is conducting a hearing, or the Governor's residence or any other  
residence of the Governor; and prohibits bringing or possessing a  
loaded firearm upon the grounds of any public school, the State Capitol,  
or the Governor's Mansion or any other residence of the Governor.

Modifies definition of loaded weapon in Sec. 2006, P. & G.C.

To take effect immediately, urgency measure.

Vote—Majority 2/3 ; Appropriation—No; State Expense—No.

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AB 1591

1 tain beat or territory as may be fixed from time to time by  
2 the police commission.

3 (6) Persons who are authorized to carry concealed weapons  
4 pursuant to Article 3 (commencing with Section 12050) of  
5 Chapter 1 of Title 2 of Part 4 of the Penal Code.

6 (7) Private investigators, private patrol operators, and  
7 operators of a private patrol service who are licensed pursuant  
8 to Chapter 11 (commencing with Section 7500) of Division 3,  
9 of the Business and Professions Code.

10 (c) In order to determine whether or not a firearm is  
11 loaded for the purpose of enforcing this section, peace officers  
12 are authorized to examine any firearm carried by anyone on  
13 his person or in a vehicle while in any public place or on any  
14 public street in an incorporated city or inhabited area of an  
15 unincorporated territory. Refusal to allow a peace officer to  
16 inspect a firearm pursuant to the provisions of this section  
17 constitutes probable cause for arrest for violation of this  
18 section.

19 (d) As used in this section "inhabited area" means any  
20 place within 100 yards of a structure regularly occupied by  
21 any person as a dwelling or as a place of business.

22 (e) A firearm shall be deemed to be loaded for the purposes  
23 of this section when there is an unexpended cartridge or shell  
24 in the firing chamber, magazine, or clip thereof attached to  
25 the firearm.

26 (f) Nothing in this section shall prevent any person en-  
27 gaged in any lawful business, or any officer, employee, or agent  
28 of such person, from having a loaded firearm within such per-  
29 son's place of business.

30 SEC. 2. Section 171c is added to the Penal Code, to read:

31 171c. Any person, except a peace officer or a member of  
32 the military forces of this state or of the United States en-  
33 gaged in the performance of his duties, or a person holding a  
34 valid license to possess the firearm pursuant to Article 3 (com-  
35 mencing with Section 12050) of Chapter 1 of Title 2 of Part 4  
36 of the Penal Code, is guilty of a felony if he does any of the  
37 following:

38 1. Brings a loaded firearm into, or possesses a loaded fire-  
39 arm within, any public school, including the University of  
40 California and the state colleges, or the State Capitol, or any  
41 hearing room in which any committee of the Senate or As-  
42 sembly is conducting a hearing.

43 2. Brings a loaded firearm upon, or possesses a loaded fire-  
44 arm upon, the grounds of any public school, including the  
45 University of California and the state colleges, or the State  
46 Capitol, which is bounded by 10th, L, 15th, and N Streets in  
47 the City of Sacramento.

48 SEC. 3. Section 171d is added to the Penal Code, to read:

49 171d. Any person, except a peace officer or a member of  
50 the military forces of this state or of the United States engaged  
51 in the performance of his duties, a person holding a valid

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1 license to possess the firearm pursuant to Article 3 (commenc-  
 2 ing with Section 12050) of Chapter 1 of Title 2 of Part 4 of  
 3 the Penal Code, or the Governor or a member of his immediate  
 4 family, is guilty of a felony if he does any of the following:  
 5 1. Brings a loaded firearm into, or possesses a loaded fire-  
 6 arm within, the Governor's Mansion, or any other residence  
 7 of the Governor.

8 2. Brings a loaded firearm upon, or possesses a loaded fire-  
 9 arm upon, the grounds of the Governor's Mansion or any other  
 10 residence of the Governor.

11 SEC. 4. Section 2006 of the Fish and Game Code is  
 12 amended to read:

13 2006. It is unlawful to possess a loaded rifle or shotgun in  
 14 any vehicle or conveyance or its attachments which is standing  
 15 on or along or is being driven on or along any public highway  
 16 or other way open to the public.

17 A rifle or shotgun shall be deemed to be loaded for the pur-  
 18 poses of this section when there is an unexpended cartridge  
 19 or shell in the firing chamber but not when the only cartridges  
 20 or shells are in the magazine, magazine, or clip thereof at-  
 21 tached to the firearm.

22 The provisions of this section shall not apply to peace officers  
 23 or members of the armed forces of this state or the United  
 24 States, while on duty or going to or returning from duty.

25 SEC. 5. This act is an urgency statute necessary for the  
 26 immediate preservation of the public peace, health or safety  
 27 within the meaning of Article IV of the Constitution and shall  
 28 go into immediate effect. The facts constituting such necessity  
 29 are:

30 An organized band of men armed with loaded firearms has  
 31 recently entered the Capitol of the State of California, knocked  
 32 aside an Assistant Sergeant at Arms of the Assembly and  
 33 invaded the Chambers of the Assembly, thereby creating a  
 34 serious threat to the orderly function of the government of  
 35 the state. Existing laws are not adequate to prevent such  
 36 serious interruptions in the orderly processes of the govern-  
 37 ment of this state and threats to the safety and welfare of the  
 38 officers of this state. It is, therefore, imperative that this stat-  
 39 ute, which will make unlawful actions such of these of the  
 40 armed band which invaded the State Capitol, take effect im-  
 41 mediately.

AMENDED IN ASSEMBLY MAY 24, 1967

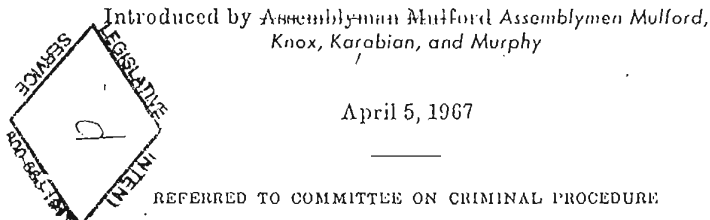
AMENDED IN ASSEMBLY MAY 22, 1967

AMENDED IN ASSEMBLY MAY 10, 1967

CALIFORNIA LEGISLATURE—1967 REGULAR SESSION

ASSEMBLY BILL

No. 1591



*An act to amend Section 2006 of the Fish and Game Code, and to add Sections 171c, 171d, 171e, and 12031 to the Penal Code, relating to firearms and declaring the urgency thereof, to take effect immediately.*

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 12031 is added to the Penal Code, to
- 2 read:
- 3 12031. (a) Except as provided in subdivision (b), every
- 4 person who carries a loaded firearm on his person or in a
- 5 vehicle while in any public place or on any public street in an
- 6 incorporated city or in any public place or on any public
- 7 street in ~~an~~ *inhabited a prohibited* area of unincorporated
- 8 territory is guilty of a misdemeanor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1591, as amended, Mulford (Crim. Pro.). Firearms.

Adds Secs. 171c, 171d, 171e, and 12031, Pen.C., amends Sec. 2006, F. & G.C.

Prohibits carrying of a loaded firearm on one's person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in ~~an~~ *inhabited a prohibited* area of unincorporated territory, which is defined, except for specified persons.

Authorizes peace officers, in order to determine whether or not it is loaded, to examine any firearm carried by anyone on his person or in a vehicle while in any public place or on any public street in an

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- (b) Subdivision (a) shall not apply to any of following:
- (1) Sheriffs, constables, marshals, policemen, members of the California Highway Patrol, and employees of the State Department of Justice listed in Section 817 who are designated as peace officers, whether active or honorably retired, other duly appointed peace officers as defined in Section 817, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.
  - (2) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.
  - (3) Members of the military forces of this state or of the United States engaged in the performance of their duties.
  - (4) Persons who are using target ranges for the purpose of practice shooting with a firearm, or who are members of shooting clubs while hunting on the premises of such clubs.
  - (5) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) must be not less than 21 years of age nor more than 40 years of age, (iii) must possess physical qualifications prescribed by the commission, and (iv) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.
  - ~~(6) Persons holding a valid license to carry concealed~~
  - ~~(6) The carrying of concealable weapons by persons who are~~
  - ~~authorized to carry such weapons pursuant to Article 3 (com-~~

incorporated city or inhabited area of an unincorporated territory, and makes refusal to allow such inspection probable cause for arrest.

With specified exceptions, prohibits bringing a loaded firearm into, or possessing a loaded firearm within, any public school, the State Capitol, any legislative office, any hearing room in which a committee of the Senate or Assembly is conducting a hearing, any office of the Governor or other constitutional officer, or the Governor's residence or any other residence of the Governor, or the residence of any other constitutional officer; and prohibits bringing or possessing a loaded firearm upon the grounds of any public school, the State Capitol, or the Governor's Mansion or any other residence of the Governor.

*Explains what is deemed a "loaded firearm."*

Modifies definition of loaded weapon in Sec. 2006, P. & G.C.

To take effect immediately, urgency statute.

Vote—3; Appropriation—No; State Expense—No.

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AB 1591

1 mencing with Section 12050) of Chapter 1 of Title 2 of Part  
2 4 of the Penal Code.

3 (7) Private investigators, private patrol operators, and  
4 operators of a private patrol service who are licensed pursuant  
5 to Chapter 11 (commencing with Section 7500) of Division 3  
6 of the Business and Professions Code, while acting within the  
7 course and scope of their employment.

8 (c) In order to determine whether or not a firearm is  
9 loaded for the purpose of enforcing this section, peace officers  
10 are authorized to examine any firearm carried by anyone on  
11 his person or in a vehicle while in any public place or on any  
12 public street in an incorporated city or inhabited area of an  
13 unincorporated territory. Refusal to allow a peace officer to  
14 inspect a firearm pursuant to the provisions of this section  
15 constitutes probable cause for arrest for violation of this sec-  
16 tion.

17 (d) As used in this section "inhabited area" means any  
18 place within 450 yards of any occupied dwelling house, resi-  
19 dence, or other building or any barn or other outbuilding used  
20 in connection therewith, except that it does not include any  
21 privately owned property as to persons expressly authorized  
22 to have such loaded firearm thereon by the owner or person  
23 lawfully in possession of the property.

24 (d) As used in this section "prohibited area" means any  
25 place where under existing conditions it is unlawful to dis-  
26 charge a weapon.

27 (e) A firearm shall be deemed to be loaded for the purposes  
28 of this section when there is an unexpended cartridge or shell,  
29 consisting of a case which holds a charge of powder and a shot  
30 or bullet, in, or attached in any manner to, the firearm, includ-  
31 ing, but not limited to, in the firing chamber, magazine, or clip  
32 thereof attached to the firearm; except that a muzzle-loading  
33 firearm shall be deemed to be loaded when it is capped or  
34 primed and has a powder charge and ball or shot in the barrel  
35 or cylinder.

36 (f) Nothing in this section shall prevent any person en-  
37 gaged in any lawful business, including a nonprofit organiza-  
38 tion, or any officer, employee, or agent of such person author-  
39 ized by such person for lawful purposes connected with such  
40 business, from having a loaded firearm within such person's  
41 place of business, or any person in lawful possession of private  
42 property from having a loaded firearm on such property.

43 (g) Nothing in this section shall prevent any person from  
44 carrying a loaded firearm in an area within an incorporated  
45 city while engaged in hunting, during such time and in such  
46 area as the hunting is authorized by a permit issued by the city  
47 council.

48 SEC. 2. Section 171c is added to the Penal Code, to read:  
49 171c. Any person, except a sheriff, constable, marshal, po-  
50 liceman, member of the California Highway Patrol, and an  
51 employee of the State Department of Justice listed in Section  
52 817 who is designated as a peace officer, whether active or hon-

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orably retired, any other duly appointed peace officer as defined in Section 817, full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, or a member of the military forces of this state or of the United States engaged in the performance of his duties, or a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code, ~~is guilty of a felony shall be punished by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars (\$1,000), or by both such fine and imprisonment, or by imprisonment in the state prison for not more than five years, if he does any of the following:~~

1. Brings a loaded firearm into, or possesses a loaded firearm within the State Capitol, any legislative office, any office of the Governor or other constitutional officer, any hearing room in which any committee of the Senate or Assembly is conducting a hearing, or upon the grounds of the State Capitol, which is bounded by 10th, L, 15th, and N Streets in the City of Sacramento.

2. Brings a loaded firearm upon, or possesses a loaded firearm upon, the grounds of any public school, including the University of California and the state colleges, or within any public school, including the University of California and the state colleges, except that such firearms may be possessed within or upon such grounds by members of reserve officers' training corps when engaged in training activities under the direct supervision of school authorities or by persons as part of a course of instruction in a school while under direction or supervision of local police authorities; or by persons as a part of a course of instruction in a school with the permission of the head of the law enforcement agency having jurisdiction of the area in which such school is located.

SEC. 3. Section 171d is added to the Penal Code, to read:

171d. Any person, except a sheriff, constable, marshal, policeman, member of the California Highway Patrol, and an employee of the State Department of Justice listed in Section 817 who is designated as a peace officer, whether active or honorably retired, any other duly appointed peace officer as defined in Section 817, full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, or a member of the military forces of this state or of the United States engaged in the performance of his duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code, or the Governor or a member of his immediate

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AB 1591

family with respect to the Governor's Mansion or any other residence of the Governor, or any other constitutional officer or a member of his immediate family with respect to such officer's residence, ~~is guilty of a felony shall be punished by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars (\$1,000), or by both such fine and imprisonment, or by imprisonment in the state prison for not more than five years, if he does any of the following:~~

1. Brings a loaded firearm into, or possesses a loaded firearm within, the Governor's Mansion, or any other residence of the Governor, or the residence of any other constitutional officer.

2. Brings a loaded firearm upon, or possesses a loaded firearm upon, the grounds of the Governor's Mansion or any other residence of the Governor, or the residence of any other constitutional officer.

SEC. 4. Section 171e is added to the Penal Code, to read:  
171e. A firearm shall be deemed loaded for the purposes of Sections 171c and 171d whenever both the firearm and unexpended ammunition capable of being discharged from such firearm are in the immediate possession of the same person.

SEC. 5.

SEC. 5. Section 2006 of the Fish and Game Code is amended to read:

2006. It is unlawful to possess a loaded rifle or shotgun in any vehicle or conveyance or its attachments which is standing on or along or is being driven on or along any public highway or other way open to the public.

A rifle or shotgun shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a shot or bullet, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzle-loading firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

The provisions of this section shall not apply to peace officers or members of the armed forces of this state or the United States, while on duty or going to or returning from duty.

SEC. 6.

SEC. 6. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 7.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety

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1 within the meaning of Article IV of the Constitution and shall  
2 go into immediate effect. The facts constituting such necessity  
3 are:

4 An organized band of men armed with loaded firearms has  
5 recently entered the Capitol of the State of California, knocked  
6 aside an Assistant Sergeant at Arms of the Assembly and  
7 invaded the Chambers of the Assembly, thereby creating a  
8 serious threat to the orderly function of the government of  
9 the state. Existing laws are not adequate to prevent such  
10 serious interruptions in the orderly processes of the govern-  
11 ment of this state and threats to the safety and welfare of the  
12 officers of this state. It is, therefore, imperative that this stat-  
13 ute, which will make unlawful actions such of these of the  
14 armed band which invaded the State Capitol, take effect im-  
15 mediately.

16 The State of California has witnessed, in recent years, the  
17 increasing incidence of organized groups and individuals  
18 publicly arming themselves for purposes inimical to the peace  
19 and safety of the people of California.

20 Existing laws are not adequate to protect the people of this  
21 state from either the use of such weapons or from violent in-  
22 cidents arising from the mere presence of such armed in-  
23 dividuals in public places. Therefore, in order to prevent the  
24 potentially tragic consequences of such activities, it is impera-  
25 tive that this statute take effect immediately.

AA000043

(Ch. 960]

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## CHAPTER 960



*An act to add Sections 171c, 171d, 171e, and 12031 to the Penal Code, relating to firearms and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor July 28, 1967. Filed with Secretary of State July 28, 1967.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 12031 is added to the Penal Code, to read:

12031. (a) Except as provided in subdivision (b), every person who carries a loaded firearm on his person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any of following:

(1) Sheriffs, constables, marshals, policemen, members of the California Highway Patrol, members of the California State Police, and employees of the State Department of Justice listed in Section 817 who are designated as peace officers, whether active or honorably retired, other duly appointed peace officers as defined in Section 817, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.

(3) Members of the military forces of this state or of the United States engaged in the performance of their duties.

(4) Persons who are using target ranges for the purpose of practice shooting with a firearm, or who are members of shooting clubs while hunting on the premises of such clubs.

(5) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) must be not less than 21 years of age nor more than 40 years of age, (iii) must possess physical qualifications prescribed by the commission, and (iv) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(6) The carrying of concealable weapons by persons who are authorized to carry such weapons pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code.

(7) Private investigators, private patrol operators, and operators of a private patrol service who are licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(8) The carrying of weapons by persons who are authorized to carry such weapons pursuant to Section 607f of the Civil Code, while actually engaged in the performance of their duties pursuant to such section.

(c) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section constitutes probable cause for arrest for violation of this section.

(d) As used in this section "prohibited area" means any place where it is unlawful to discharge a weapon.

(e) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(f) Nothing in this section shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by such person for lawful purposes connected with such business, from having a loaded firearm within such person's place of business, or any person in lawful possession of private property from having a loaded firearm on such property.

(g) Nothing in this section shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, during such time and in such area as the hunting is not prohibited by the city council.

(h) Nothing in this section is intended to preclude the carrying of any loaded firearm, under circumstances where it would otherwise be lawful, by a person who reasonably believes that the person or property of himself or another is in immediate danger and that the carrying of such weapon is necessary for the preservation of such person or property.

(i) Nothing in this section is intended to preclude the carrying of a loaded firearm by any person while engaged in the act of making or attempting to make a lawful arrest.

(j) Nothing in this section shall prevent any person from having a loaded weapon, if it is otherwise lawful, at his place of residence, including any temporary residence or campsite.

SEC. 2. Section 171c is added to the Penal Code, to read:

171c. Any person, except a sheriff, constable, marshal, policeman, member of the California Highway Patrol, member of the California State Police, sergeant at arms or assistant sergeant at arms of either house of the Legislature, and an employee of the State Department of Justice listed in Section 817 who is designated as a peace officer, whether active or honorably retired, any other duly appointed peace officer as defined in Section 817, full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, or a member of the military forces of this state or of the United States engaged in the performance of his duties, or a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code, shall be punished by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars (\$1,000), or by both such fine and imprisonment, or by imprisonment in the state prison for not more than five years, if he does any of the following:

1. Brings a loaded firearm into, or possesses a loaded firearm within the State Capitol, any legislative office, any office of the Governor or other constitutional officer, any hearing room in which any committee of the Senate or Assembly is conducting a hearing, or upon the grounds of the State Capitol, which is bounded by 10th, L, 15th, and N Streets in the City of Sacramento.

2. Brings a loaded firearm upon, or possesses a loaded firearm upon, the grounds of any public school, including the University of California and the state colleges, or within any public school, including the University of California and the state colleges, unless it is with the permission of the school authorities.

SEC. 3. Section 171d is added to the Penal Code, to read:

171d. Any person, except a sheriff, constable, marshal, policeman, member of the California Highway Patrol, member of the California State Police, and an employee of the State Department of Justice listed in Section 817 who is designated as a peace officer, whether active or honorably retired, any other duly appointed peace officer as defined in Section 817, full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, or a member of the military forces of this state or of the United States engaged in the performance of his



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duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code, or the Governor or a member of his immediate family or a person acting with his permission with respect to the Governor's Mansion or any other residence of the Governor, any other constitutional officer or a member of his immediate family or a person acting with his permission with respect to such officer's residence, or a Member of the Legislature or a member of his immediate family or a person acting with his permission with respect to such legislator's residence, shall be punished by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars (\$1,000), or by both such fine and imprisonment, or by imprisonment in the state prison for not more than five years, if he does any of the following:

1. Brings a loaded firearm into, or possesses a loaded firearm within, the Governor's Mansion, or any other residence of the Governor, the residence of any other constitutional officer, or the residence of any Member of the Legislature.

2. Brings a loaded firearm upon, or possesses a loaded firearm upon, the grounds of the Governor's Mansion or any other residence of the Governor, the residence of any other constitutional officer, or the residence of any Member of the Legislature.

SEC. 4. Section 171e is added to the Penal Code, to read:

171e. A firearm shall be deemed loaded for the purposes of Sections 171c and 171d whenever both the firearm and unexpended ammunition capable of being discharged from such firearm are in the immediate possession of the same person.

In order to determine whether or not a firearm is loaded for the purpose of enforcing Section 171c or 171d, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any place or on the grounds of any place in or on which the possession of a loaded firearm is prohibited by Section 171c or 171d. Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section constitutes probable cause for arrest for violation of Section 171c or 171d.

SEC. 5. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The State of California has witnessed, in recent years, the increasing incidence of organized groups and individuals pub-

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licely arming themselves for purposes inimical to the peace and safety of the people of California.

Existing laws are not adequate to protect the people of this state from either the use of such weapons or from violent incidents arising from the mere presence of such armed individuals in public places. Therefore, in order to prevent the potentially tragic consequences of such activities, it is imperative that this statute take effect immediately.

#### CHAPTER 961

#### *An act to amend Section 1463 of the Penal Code, relating to proceedings in inferior courts.*

[Approved by Governor July 28, 1967. Filed with Secretary of State July 28, 1967.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 1463 of the Penal Code is amended to read:

1463. Except as otherwise specifically provided by law:

(1) All fines and forfeitures including Vehicle Code fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any municipal court or justice court, shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the proper funds of the county an amount equal to the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by the state or by the county in which such court is situated, exclusive of fines or forfeitures or forfeitures of bail collected from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within the limits of a city within the county.

(b) Except as otherwise provided in this subdivision, once a month there shall be transferred into the traffic safety fund of each city in the county an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within that city, and an amount equal to the remaining 50 percent shall be transferred to the special road fund of the county.

Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any

BILL MEMORANDUM

Date: July 28, 1967

TO : GOVERNOR REAGAN

FROM: VERNON L. STURGEON  
Legislative Secretary, Senate

JACK B. LINDSEY  
Legislative Secretary, Assembly

Assembly BILL No. 1591 By Mulford

VOTE: Senate 29 ayes  
7 noes - Collier, Marler, Miller, Mills, Schmitz, Schre  
Teale

Assembly

Assembly Bill No. 1591 prohibits the carrying of a loaded firearm on one's person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory, except for specified law enforcement officers, military personnel, bank guards and messengers, sportsmen, private investigators and patrol operators, and persons authorized to carry concealed weapons.

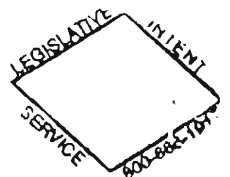
The bill prohibits bring a loaded firearm into, or possessing a loaded firearm within, any public school, the State Capitol, any legislative office, any hearing room in which a committee of the Senate or Assembly is conducting a hearing, any office of the Governor or other constitutional officer, the Governor's residence or the residence of any other constitutional officer or the residence of any Member of the Legislature.

The bill is actively supported by law enforcement groups.

Assemblyman Mulford, the author, requests approval.

RECOMMENDATION: Approve

rw



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AB 1591 (Mulford et al) - Page 2  
Control of Loaded Firearms

QUERY: Shouldn't the State Police be included in such? Also, humane officers are given authority (Civ. 607f) to carry weapons as peace officers are authorized to carry for purposes of making arrests. Shouldn't they be given authority to carry loaded weapons, by placement in this exempt list?

Subd. (c) of Sec. 12031 authorizes peace officers to examine any firearm carried in an incorporated city or prohibited area of an unincorporated territory to determine whether or not it is loaded in violation of this section. Refusal to allow such inspection constitutes probable cause for arrest for violation of this section.

Sec. 2 of AB 1591 makes it illegal to bring a loaded firearm into, or possess a loaded weapon within, the State Capitol building or grounds, any legislative office or office of a constitutional officer, or any room in which a committee of the Senate or Assembly is conducting a hearing (or public school buildings or grounds, including the University and state colleges, without permission of the school authorities). Violation is punishable by county jail imprisonment of up to 1 year, or fine of up to \$1,000, or both, or by imprisonment in State Prison from 1-5 years. Peace officers, the military, and persons with valid permits are again exempted.

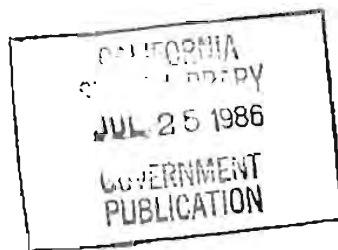
Sec. 3 of AB 1591 is identical in its provisions as Sec. 2, except that it applies to bringing or possessing such loaded firearms into or within the Governor's Mansion or other residence of the Governor, or the residence of any other constitutional officer, or the grounds of any such place. It further exempts from its provisions the constitutional officers and their immediate families with respect to their own residence.

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# **SMOKING GUN: THE CASE FOR CONCEALED WEAPON PERMIT REFORM**



prepared by  
Assembly Office of Research

June 1986

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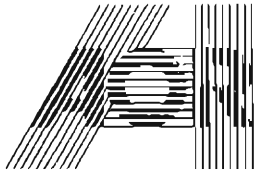
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SMOKING GUN:

THE CASE FOR CONCEALED WEAPON PERMIT REFORM



June 1986

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## PREFACE

This report is based upon a survey of California's police chiefs and sheriffs regarding the issuance of permits to carry concealable weapons. This survey was requested by Assembly Members Frank Vicencia and Steve Peace and was conducted in the fall of 1985 and the winter of 1986. The Assembly Office of Research staff analyzed survey results, conducted follow-up inquiries and examined current state statutes.

The Assembly Office of Research would like to extend its thanks to Attorney General John Van de Kamp, Chief David Snowden of the Baldwin Park Police Department, and Chief Robert Owen of the Oxnard Police Department without whose efforts the survey would not have been completed. We would also like to thank the staffs of Assembly Members Vicencia and Peace for their contributions, as well as the legal staff of the Assembly Public Safety Committee for its analysis of state firearms statutes.

This report is intended to stimulate discussion of proper firearm policy among policy makers. It is hoped that the resulting dialogue will produce a consensus as to what reforms best serve the public interest.



## FINDINGS

California's laws governing the carrying of firearms, particularly handguns, are inconsistently applied, poorly constructed and, in some areas, confusing to the point of incomprehensibility.

The Legislature should review these laws, many of which have not been significantly revised since the 1920s, with an eye towards codifying a simple, fair and uniform set of firearm rules.

### FINDING I: There Is No Uniformity In Handgun Permit Policies.

Under current law, persons may carry unloaded firearms openly, without a permit. Permits are required, however, to carry a handgun concealed. Permits to carry concealable weapons (handguns with barrels of less than 12 inches in length) are issued by local sheriffs and police chiefs on the basis of "good moral character [and] good cause" (Penal Code Section 12050). Consequently, there are nearly 500 concealed weapon permit issuing authorities in the state.

The AOR survey indicated that:

- There is no correlation between the population of a county and the number of permits issued (See Appendix A).
  - Ten times more permits were issued in Kern County than in Los Angeles County in 1984 (5,063 vs. 480)
  - Kern County has only 2 percent of the state's population yet issues 13 percent of its concealed weapon permits
- In some jurisdictions, permits are virtually impossible to obtain regardless of need, while some jurisdictions issue permits liberally

- San Francisco issued only nine concealed weapon permits in 1984
- The city of Montebello issued 111 permits in 1984, more than were issued in the entire county of Santa Barbara
- Shasta County, with only 125,300 residents, issued over 3,400 permits in one year
- Permit issuance rates appear to follow no particular regional or demographic pattern:
  - San Bernardino County had five times as many permits as next door Riverside County
  - Rural Tuolumne County issued three times as many permits as rural Lake County, despite similar populations
- Even though concealed weapon permits are issued locally, the permits are valid statewide, conveying a privilege to carry a handgun anywhere in the state unless explicitly limited by the issuing authority. Thus, a permit obtained in Shasta County may entitle the person to carry a weapon in San Francisco regardless of the permit policy of the San Francisco Sheriff.
- Residency requirements for concealed weapon permits merely stipulate that the applicant be a resident of the county, not the city of issuance. Thus, a resident in one city may obtain a permit from the police chief of another city if both cities are within the same county. Consequently, one city police chief with a loose permit issuance policy can undermine the strict permit issuance policies of every other police chief and sheriff in the county.

FINDING II: Concealed Weapon Permit Standards Are Often Either Nonexistent or Unclear.

- The key standard for issuance of concealed weapon permits, "good cause," is undefined and its interpretation rests within the unfettered discretion of the local police chief or sheriff.
- Many jurisdictions have no written policies at all governing issuance of permits. Other jurisdictions, which reportedly have policies (often not written) do not make the policies available to the public or even to the permit applicant upon request.
- In many cases, the permit holder is personally known to the local sheriff or chief of police. The overwhelming majority of permit holders are white males.

- Before issuing concealed weapon permits, very few jurisdictions require:
  - Training or other evidence of the applicant's familiarity or competence with handguns
  - Liability insurance to protect the issuing jurisdiction from civil damage judgments
  - Detailed background investigations
- Some jurisdictions are refusing to issue permits at all for fear of civil liability.

FINDING III: California's Statutes Themselves Are Confusing and Inconsistent.

- Under California law (Penal Code Section 12025), persons may carry handguns openly, including "in belt holsters," without a permit. Permits are required only to carry handguns which are concealed.
- A person may legally transport a handgun on his or her automobile dashboard or front seat but may not legally transport a handgun locked in a secure container within the vehicle's trunk.
- Convicted felons may not possess handguns, but may possess any other firearm unless the felony had itself been committed with a firearm (see Penal Code Section 12560).
- A juvenile may legally possess a handgun and ammunition if "he or she has the written permission of his or her parent or guardian . . ." (Penal Code Section 12021.5).
- Licensed private investigators may legally carry loaded firearms (Penal Code Section 12031) but may not carry a concealed weapon without a permit and many local jurisdictions will not issue permits to private investigators. By contrast, a few jurisdictions issue concealed weapon permits only to private investigators.

### RECOMMENDATIONS

California's laws regulating the carrying of concealable weapons could benefit from revision. Regardless of whether one is pro or anti "gun control," everyone should have an interest in making our laws understandable, consistent and uniformly applied. It is with these principles in mind that the following recommendations are made:

- 1) Standards should be clearly written, available to the public, and should contain definitions of key terms.
- 2) As a precondition of the permit, citizens should:
  - a) Demonstrate a knowledge of the laws pertaining to the use and transport of firearms
  - b) Demonstrate some knowledge of competency with firearms
  - c) Agree to carry any weapon in a safe and secure manner
  - d) Articulate a definite, verifiable reason why the permit is needed
  - e) Provide proof of insurance or other means of public protection
- 3) Persons who engage in the carrying of firearms as part of an occupation that holds itself out as providing protection should be trained, obtain insurance and otherwise be strictly regulated by the state. Permits to carry concealable weapons for these persons should be integrated with the occupational licensure.
- 4) Open carrying of handguns without a permit should be illegal when the weapons may be safely transported in a secure container where they are not immediately accessible.
- 5) Clear provision should be made for the safe use and transport of concealable weapons for hunting and sport purposes.
- 6) The entire body of California's firearm law should be critically examined for the purpose of modernizing and rationalizing these statutes.

## STATE CONCEALABLE WEAPON LAW: HISTORY AND DESCRIPTION

### History

The California Constitution does not contain an explicit clause guaranteeing the right to bear arms as such. However, the State Constitution (Article 1, Section 1) does guarantee that the People of this State have a right to self-defense. This right has recently been reaffirmed by the State Supreme Court. (See People v. King, (1978) 22 Cal.3d 12.)

In 1917, a law was enacted providing that it was illegal to possess a firearm concealed on one's person without first obtaining a permit from the local police department. Also included were a number of exemptions now found in Penal Code Section 12027. (See Chapter 145, Statutes of 1917.)

In 1923, the law covering possession of firearms was recodified, in part, in the Dangerous Weapons Control Law of 1923 (See Chapter 339, Statutes of 1923). The main changes in the 1923 legislation were:

- 1) To prohibit ex-felons and aliens from possessing concealable firearms
- 2) To expand regulations on retail sales of pistols and revolvers
- 3) To prohibit defacement of identification marks on pistols and revolvers

In 1953, the Legislature attempted to "clean up" the law in this area by enacting the Dangerous Weapons Control Law (See Chapter 36,

Statutes of 1953). This law attempted to clarify the law covering who could possess what type of weapons under what circumstances. The 1953 Act reauthorized the licensing requirement that in order to possess a firearm concealed on one's person, one had to have a permit. It also extended this prohibition to carry a pistol or revolver concealed in a vehicle.

In 1967, the Legislature, reacting in part to California's first experience with urban terrorism, enacted prohibitions upon carrying loaded firearms in public unless specifically exempted (See Chapter 960, Statutes of 1967). This list of exemptions has been amended in virtually every legislative session since.

### Description

Since at least 1923, California has required a permit to carry concealed on one's person a pistol, revolver or a firearm with a barrel length less than 12 inches in length. The permits may be issued on a finding of good moral character and good cause. This law was based on the Uniform Firearms Act (UFA) which purported to provide a uniform series of state laws on this subject. (See 18 Pa. Consolidated Statute Section 6109.) The UFA was a model act proposed by The United States Revolver Association in 1923. The Uniform Act was adopted by the National Commission on Uniform State Laws in the 1920s. Under the UFA and California law since 1923, one may possess a firearm in one's home or place of business. It may be loaded in one's home and in a place of business. The California law, as in many other states, provides numerous exemptions to the licensing requirements. These exemptions are as follows:

- 1) Concealable firearms which are carried in an open manner, usually in a belt holster
- 2) Carrying of handguns by peace officers and reserve officers while on duty
- 3) Possession of a firearm in one's home or place of business; it may be loaded in one's home and in a place of business
- 4) Members of the armed forces while engaged in the performance of their duties
- 5) Licensed hunters and fishermen while going to and from their hunting, provided the firearms are unloaded
- 6) "Duly authorized" military and civil organizations during parades, provided the firearms are unloaded
- 7) Certain guards and messengers who can carry firearms concealed but must have completed a course of study to carry loaded and concealed firearms
- 8) Members of shooting clubs going to and from the club and while at the club; under the loaded firearm law, they must keep the weapon unloaded while in transit
- 9) Members of gun clubs subject to specific requirements on transportation

There is no specific exemption on transportation from place of purchase to one's home or place of business.

If not in an exempted category, one needs a license in order to carry the pistol and revolver concealed on one's person. Among the persons who need a license to carry a concealed weapon are private investigators and reserve police officers while off duty.

A concealed weapon permit may be issued if the person 1) is of good moral character, 2) shows good cause for the permit, and 3) is a resident of the county in question. There is no statutory definition of good cause or good moral character. The permits may be issued to a citizen so long as

he or she is a resident of the county. The permits are valid throughout the state, subject to restrictions on the time or place of carrying by the issuing authority (Penal Code Section 12050(b)). For persons other than reserve police officers, the permits are valid for a period not to exceed one year. For reserve officers they may not exceed three years.

Under this licensing scheme, the applicant fills out a form giving his name, weight, and other information, as well as his reason for wanting the license. The applicant also must give to the licensing authority his fingerprints, two copies of which are sent to the state Department of Justice in Sacramento. Localities may not charge the applicant more than \$3 for processing costs; however, the Department of Justice costs for criminal history checks may be passed on to the applicant.

#### Recent Developments

In recent years, the policy relating to the issuance of concealed weapon permits has been subject to legal challenge.

In the main, these challenges have been directed towards the issuance policies of the sheriffs of Los Angeles and Orange Counties, the first and second largest counties in terms of population in the state.

In Salute v. Pitchess, 61 Cal. App.3d (1976), the Court of Appeal held that a policy of blanket denial of permits by the Los Angeles County Sheriff's office violated state law. The court ruled that each permit application must be individually evaluated.



Individuals have also commenced federal civil rights suits against local issuing authorities, alleging that their federal rights have been denied by the manner of issuance. See Association of Orange County Deputy Sheriffs' v. Gates, 716 F. 2d 733 (9th Cir., 1982). In the leading case of Guillory v. County of Orange, the Ninth Circuit held that while there was no property interest in obtaining a concealed weapon permit, the arbitrary and capricious administration of permit laws would violate the 14th Amendment. To that end, the case was remanded for trial to allow the plaintiff to examine witnesses on the sheriff's permit issuance policy.

The issue of the identity of concealed weapon permit holders has also received attention. In Block v. the Columbia Broadcasting System (CBS), 160 Cal. App.3d 866 (1985), the Court of Appeal held that the State Freedom of Information Act did not require that the Los Angeles County Sheriff disclose the records of permit holders to CBS. The court relied heavily on an earlier Attorney General's opinion. (See 64 Op. Att. Gen. 832 [1982].)

## APPENDIX A

NUMBER OF CONCEALED WEAPON LICENSES ISSUED\*  
AND POPULATION OF CALIFORNIA COUNTIES

1984

COUNTY	TOTAL POPULATION	RANK IN STATE	CONCEALED WEAPONS	RANK IN STATE
Kern	456,000	14	5,063	1
Fresno	557,700	13	3,490	2
Shasta	125,300	28	3,424	3
San Diego	2,041,400	3	2,834	4
Tulare	269,300	20	2,378	5
Madera	72,800	35	1,288	6
San Bernardino	1,017,000	6	1,197	7
Sutter	56,900	38	1,151	8
Butte	157,200	25	999	9
El Dorado	97,600	33	952	10
Stanislaus	292,800	19	951	11
Tehama	42,650	41	859	12
Placer	131,100	27	819	13
Siskiyou	41,800	42	816	14
Tuolumne	38,050	43	761	15
Napa	101,700	31	684	16
Yolo	119,800	29	675	17
San Luis Obispo	175,800	24	638	18
San Joaquin	391,800	15	610	19
Yuba	52,400	39	606	20
Amador	21,750	48	597	21
Sacramento	859,200	7	589	22
Merced	151,400	26	578	23
Sonoma	323,500	16	555	24
Humboldt	111,100	30	490	25
Glenn	22,700	47	489	26
Los Angeles	7,861,300	1	480	27
Nevada	63,700	37	474	28
Lassen	23,800	46	439	29
Imperial	101,400	32	436	30
Contra Costa	694,400	10	433	31
Calaveras	25,050	45	395	32
Orange	2,063,900	2	389	33
Ventura	578,900	12	373	34
Trinity	13,000	53	331	35
Colusa	14,150	52	326	36
Plumas	18,400	50	312	37
Solano	263,700	21	309	38
San Mateo	602,700	11	284	39
Mariposa	12,550	54	284	40

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Alameda	1,167,500	5	267	41
Lake	44,350	40	259	42
Riverside	760,500	8	223	43
Mendocino	71,100	36	207	44
Santa Clara	1,363,300	4	205	45
Modoc	9,525	55	173	46
Inyo	18,400	51	170	47
Monterey	316,200	18	151	48
Kings	81,000	34	118	49
Sierra	3,350	57	112	50
Marin	224,800	22	98	51
Santa Barbara	320,200	17	79	52
San Benito	28,450	44	79	53
Santa Cruz	203,600	23	73	54
Del Norte	18,500	49	57	55
Mono	9,250	56	56	56
Alpine	1,160	58	37	57
San Francisco	<u>707,200</u>	9	<u>9</u>	58
CALIFORNIA	25,414,000		41,131	

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\*Data from the Department of Justice.

## APPENDIX B

LICENSES TO CARRY CONCEALED WEAPONS\*  
1984

Alameda County Sheriff	195	Del Norte County Sheriff	57
Alameda PD	18	TOTAL	57
Emeryville PD	2		
Fremont PD	0		
Hayward PD	8	El Dorado County Sheriff	936
Livermore PD	3	Placerville PD	8
Newark PD	10	So. Lake Tahoe PD	8
Oakland PD	8	TOTAL	952
Piedmont PD	9		
Pleasanton PD	1		
San Leandro PD	9	Fresno County Sheriff	3,258
Union City PD	4	Clovis PD	22
TOTAL	267	Coalinga PD	25
		Firebaugh PD	24
		Fowler PD	26
Alpine County Sheriff	37	Fresno PD	21
TOTAL	37	Huron PD	9
		Kerman PD	5
Amador County Sheriff	582	Kingsburg PD	17
Jackson PD	---	Mendota PD	6
Sutter Creek PD	15	Orange Cove PD	14
TOTAL	597	Reedley	14
		Sanger PD	28
Butte County Sheriff	890	San Joaquin PD	1
Chico PD	37	Selma PD	20
Gridley PD	71	TOTAL	3,490
Oroville PD	1		
TOTAL	999	Glenn County Sheriff	464
		Orland PD	25
Calaveras County Sheriff	381	Willows PD	---
Angels Camp PD	14	TOTAL	489
TOTAL	395		
		Humboldt County Sheriff	379
Colusa County Sheriff	296	Arcata PD	3
Colusa PD	30	Eureka PD	98
TOTAL	326	Ferndale PD	1
		Fortuna PD	7
Contra Costa County Sheriff	382	Rio Dell PD	2
Antioch PD	---	TOTAL	490
Concord PD	7		
El Cerrito PD	7	Imperial County Sheriff	383
Hercules PD	3	Brawley PD	28
Pinole PD	-	Calexico PD	22
Pittsburg PD	7	Calipatria PD	1
Pleasant Hill PD	2	El Centro PD	2
Richmond PD	23	Holtville PD	---
San Pablo PD	1	TOTAL	436
Walnut Creek PD	---		
Martinez PD	1		
TOTAL	433		

Inyo County Sheriff	147	Los Angeles County (continued)	
Bishop PD	23	Palos Verdes Estate PD	18
TOTAL	170	Pasadena PD	2
Kern County Sheriff	4,217	Pomona PD	6
Arvin PD	32	Redondo Beach PD	4
Bakersfield PD	594	San Fernando PD	48
Delano PD	79	San Gabriel PD	1
Maricopa PD	15	San Marino PD	1
Ridgecrest PD	22	Santa Monica PD	3
Shafter PD	9	Sierra Madre PD	1
Taft PD	18	South Gate PD	4
Tehachapi PD	38	So. Pasadena PD	18
Calif. City PD	25	Vernon PD	1
Bear Valley PD	14	West Covina PD	3
TOTAL	5,063	TOTAL	480
Kings County Sheriff	5	Madera County Sheriff	1,282
Corcoran PD	45	Madera PD	6
Hanford PD	43	TOTAL	1,288
Lemoore PD	25	Marin County Sheriff	14
TOTAL	118	Fairfax PD	2
Lake County Sheriff	214	Twin Cities PD	15
Lakeport PD	45	Mill Valley PD	19
TOTAL	259	Novato PD	26
Lassen County Sheriff	439	San Anselmo PD	7
TOTAL	439	San Rafael PD	9
Los Angeles County Sheriff	72	Sausalito PD	3
Arcadia PD	---	Tiburon PD	3
Azusa PD	1	TOTAL	98
Baldwin Park PD	---	Mariposa County Sheriff	284
Beverly Hills PD	2	TOTAL	284
Burbank PD	1	Mendocino County Sheriff	185
Claremont PD	---	Ft. Bragg PD	12
Compton PD	---	Ukiah PD	1
Covina PD	---	Willits PD	9
Culver City	83	TOTAL	207
Downey PD	2	Merced County Sheriff	423
El Monte PD	6	Atwater PD	48
El Segundo PD	1	Oso Palos PD	6
Gardena PD	3	Gustine PD	32
Glendale	---	Livingston PD	14
Glendora PD	1	Los Banos PD	48
Hawthorne PD	11	Merced PD	7
Huntington Park PD	---	TOTAL	578
Inglewood PD	17	Modoc County Sheriff	173
Irwindale PD	28	TOTAL	173
La Verne PD	9	Mono County Sheriff	56
Long Beach PD	14	TOTAL	56
Manhattan Beach PD	4		
Maywood PD	1		
Monrovia PD	6		
Montebello PD	49		
Monterey Park PD	59		

Monterey County Sheriff	40	Riverside County Sheriff	37
Carmel PD	2	Banning PD	31
Gonzales PD	17	Beaumont PD	6
Greenfield PD	35	Blythe PD	21
King City PD	3	Coachella PD	---
Monterey PD	19	Desert Hot Springs PD	---
Pacific Grove PD	18	Hemet PD	5
Salinas PD	8	Indio PD	32
Seaside PD	1	Palm Springs PD	6
Soledad PD	4	Perris PD	3
Marina PD	4	Riverside PD	48
TOTAL	<u>151</u>	San Jacinto PD	---
		Corona PD	34
		TOTAL	<u>223</u>
Napa County Sheriff	460		
Calistoga PD	5	Sacramento County Sheriff	491
Napa PD	218	Folsom PD	36
St. Helena PD	1	Galt PD	11
TOTAL	<u>684</u>	Isleton PD	5
		Sacramento PD	46
		TOTAL	<u>589</u>
Nevada County Sheriff	451		
Grass Valley PD	4	San Benito County Sheriff	72
Nevada City PD	19	Hollister PD	3
TOTAL	<u>474</u>	San Juan Bautista PD	4
		TOTAL	<u>79</u>
Orange County Sheriff	253		
Anaheim PD	1	San Bernardino County Sheriff	736
Brea PD	3	Barstow PD	168
Buena Park PD	35	Chino PD	---
Costa Mesa PD	17	Colton PD	15
La Palma PD	2	Fontana PD	14
Fountain Valley PD	1	Montclair PD	1
Fullerton PD	4	Needles PD	1
Garden Grove PD	1	Ontario PD	26
Huntington Beach PD	21	Redlands PD	31
Laguna Beach PD	3	Rialto PD	30
La Habra PD	4	San Bernardino PD	144
Newport Beach PD	3	Upland PD	26
Orange PD	1	Adelanto PD	5
Placentia PD	1	TOTAL	<u>1,197</u>
Santa Ana PD	6		
Stanton PD	5	San Diego County Sheriff	2,792
Tustin PD	5	El Cajon PD	7
Irvine PD	3	Escondido PD	---
TOTAL	<u>389</u>	Oceanside PD	1
		San Diego PD	34
Placer County Sheriff	712	TOTAL	<u>2,834</u>
Auburn PD	23		
Rocklin PD	6	San Francisco PD	9
Roseville PD	78	TOTAL	<u>9</u>
TOTAL	<u>819</u>		
Plumas County Sheriff	312		
TOTAL	<u>312</u>		

San Joaquin County Sheriff	90	Santa Cruz County Sheriff	51
Escalon PD	14	Capitola PD	3
Lodi PD	81	Santa Cruz PD	---
Manteca PD	77	Watsonville PD	18
Ripon PD	2	Scotts Valley PD	1
Stockton PD	316	TOTAL	73
Tracy PD	30		
TOTAL	610		
		Shasta County Sheriff	3,140
San Luis Obispo County Sheriff	608	Anderson PD	45
Arroyo Grande PD	22	Redding PD	239
Grover City PD	1	TOTAL	3,424
Morro Bay PD	4		
Paso Robles PD	2	Sierra County Sheriff	112
San Luis Obispo PD	1	TOTAL	112
Atascadero PD	---		
TOTAL	638	Siskiyou County Sheriff	680
		Dunsmuir PD	16
San Mateo County Sheriff	250	Mt. Shasta PD	34
Burlingame PD	1	Tule Lake PD	5
Colma PD	2	Weed PD	36
Daly City PD	7	Yreka PD	45
Half Moon Bay PD	2	TOTAL	816
Hillsborough PD	1		
Millbrae PD	8	Solano County Sheriff	201
Redwood City PD	1	Benicia PD	16
San Mateo PD	11	Dixon PD	1
Broadmoor PD	1	Fairfield PD	11
Foster City PD	---	Rio Vista PD	16
TOTAL	284	Suisun PD	---
		Vacaville PD	3
Santa Barbara County Sheriff	56	Vallejo PD	61
Lompoc PD	9	TOTAL	309
Santa Barbara PD	6		
Santa Maria PD	1	Sonoma County Sheriff	391
Carpinteria PD	4	Cloverdale PD	4
TOTAL	79	Cotati PD	1
		Healdsburg PD	5
Santa Clara County Sheriff	167	Rohnert Park PD	38
Campbell PD	1	Santa Rosa PD	33
Gilroy PD	2	Sebastopol PD	6
Los Altos PD	3	Sonoma PD	4
Los Gatos PD	---	Petaluma PD	73
Milpitas PD	4	TOTAL	555
Morgan Hill PD	13		
Mountain View PD	---	Stanislaus County Sheriff	880
Palo Alto PD	---	Modesto PD	7
San Jose PD	10	Newman PD	8
Santa Clara PD	4	Oakdale PD	---
Sunnyvale PD	1	Patterson PD	2
TOTAL	205	Turlock PD	54
		Waterford PD	---
		Hughson PD	---
		TOTAL	951

Sutter County Sheriff	1,148
Yuba City PD	<u>3</u>
TOTAL	1,151

Tehama County Sheriff	703
Corning PD	16
Red Bluff PD	<u>140</u>
TOTAL	859

Trinity County Sheriff	<u>331</u>
TOTAL	331

Tulare County Sheriff	2,316
Dinuba PD	23
Lindsay PD	14
Porterville PD	9
Tulare PD	14
Visalia PD	---
Woodlake PD	<u>2</u>
TOTAL	2,378

Tuolumne County Sheriff	761
Sonora PD	---
TOTAL	<u>761</u>

Ventura County Sheriff	332
Fillmore PD	4
Ojai PD	1
Oxnard PD	22
Port Hueneme PD	1
Santa Paula PD	1
Ventura PD	8
Simi Valley PD	<u>4</u>
TOTAL	373

Yolo County Sheriff	592
Davis PD	66
Woodland PD	<u>17</u>
	675

Yuba County Sheriff	605
Marysville PD	<u>1</u>
TOTAL	606

\*Data from the Department of Justice.



## APPENDIX C

## LICENSING AUTHORITIES WHO RESPONDED TO THE CONCEALED WEAPON SURVEY

Anaheim P.D.	Fort Bragg P.D.
Arvin P.D.	Fort Jones P.D.
Atascadero P.D.	Fresno Co. Sheriff
Auburn P.D.	Fullerton P.D.
Azusa P.D.	Gilroy P.D.
Bakersfield P.D.	Glendale P.D.
Baldwin Park P.D.	Gustine P.D.
Bell Gardens P.D.	Half Moon Bay P.D.
Banning P.D.	Huntington Beach P.D.
Benicia P.D.	Hughson P.D.
Berkeley P.D.	Hillsborough P.D.
Beverly Hills P.D.	Inglewood P.D.
Bishop P.D.	Inyo Co. Sheriff
Brawley P.D.	Imperial Co. Sheriff
Brisbane P.D.	Isleton P.D.
Burlingame P.D.	Jackson P.D.
Burbank P.D.	Kerman P.D.
Butte County Sheriff	King City P.D.
California City P.D.	Laguna Beach P.D.
Calistoga P.D.	Lakeport P.D.
Campbell P.D.	La Habra P.D.
Capitola P.D.	La Mesa P.D.
Carlsbad P.D.	La Palma P.D.
Ceres P.D.	La Verne P.D.
Chino P.D.	Lodi P.D.
Chula Vista P.D.	Livermore P.D.
Clearlake P.D.	Los Alamitos P.D.
Coalinga P.D.	Lompoc P.D.
Colfax P.D.	Los Altos P.D.
Colma P.D.	Los Banos P.D.
Colton P.D.	Madera Co. Sheriff
Compton P.D.	Madera P.D.
Contra Costa Co. Sheriff	Manhattan Beach P.D.
Concord P.D.	Marin Co. Sheriff
Cotati P.D.	Marysville P.D.
Colusa P.D.	Maywood P.D.
Crescent City P.D.	Mendocino Co. Sheriff
Daly City P.D.	Menlo Park P.D.
Del Norte Co. Sheriff	Millbrae P.D.
Delano P.D.	Milpitas P.D.
Dorris P.D.	Modesto P.D.
Dixon P.D.	Monrovia P.D.
Dublin P.D.	Montclair P.D.
El Cajon P.D.	Montebello P.D.
El Segundo P.D.	Moraga P.D.
Emeryville P.D.	Newman P.D.
Eureka P.D.	Oceanside P.D.
Farmersville P.D.	Oxnard P.D.

Pacifica Dept. of Public Safety  
Pacific Grove P.D.  
Palo Alto P.D.  
Paradise P.D.  
Pasadena P.D.  
Patterson P.D.  
Petaluma P.D.  
Piedmont P.D.  
Pleasant Hill P.D.  
Plumas Co. Sheriff  
Pomona P.D.  
Placerville P.D.  
Port Hueneme P.D.  
Red Bluff P.D.  
Redwood City P.D.  
Reedley P.D.  
Ridgecrest P.D.  
Ripon P.D.  
Riverside P.D.  
Riverside Co. Sheriff  
Ross P.D.  
Sacramento Co. Sheriff  
San Benito Co. Sheriff  
San Bernardino  
San Bruno P.D.  
San Clemente P.D.  
San Diego P.D.  
San Diego Co. Sheriff  
San Jose P.D.  
San Leandro P.D.  
San Luis Obispo P.D.  
San Luis Obispo Co. Sheriff  
San Marino P.D.  
San Mateo P.D.  
San Mateo Co. Sheriff  
San Pablo P.D.  
Santa Clara Co. Sheriff  
Santa Cruz P.D.  
Santa Monica P.D.  
Santa Paula P.D.  
Santa Rosa P.D.  
Sausalito P.D.  
Seaside P.D.  
Selma P.D.  
Shafter P.D.  
Shasta Co. Sheriff  
Sierra Madre P.D.

Signal Hill P.D.  
Simi Valley P.D.  
Siskiyou Co. Sheriff  
Sonoma Co. Sheriff  
Sonoma P.D.  
Stanislaus Co. Sheriff  
Suisun City P.D.  
Sunnyvale Dept. of Public Safety  
Susanville P.D.  
Sutter Creek P.D.  
Tehachapi P.D.  
Torrance P.D.  
Ukiah P.D.  
Union City P.D.  
Upland P.D.  
Vacaville P.D.  
Weed P.D.  
West Covina P.D.  
Walnut Creek P.D.  
Wheatland P.D.  
Whittier P.D.  
Willits P.D.  
Winters P.D.  
Woodlake P.D.  
Yuba City P.D.  
Yuba County P.D.

## APPENDIX D

NAME OF AGENCY: \_\_\_\_\_

## ASSEMBLY OFFICE OF RESEARCH SURVEY - CONCEALED WEAPONS (CCW)

- I. How many persons applied for CCW's in your jurisdiction in:
- 1982 \_\_\_\_\_
- 1983 \_\_\_\_\_
- 1984 \_\_\_\_\_
- II. How many persons were issued permits in:
- 1982 \_\_\_\_\_
- 1983 \_\_\_\_\_
- 1984 \_\_\_\_\_
- III. What were the reasons people were issued CCW's in your jurisdiction, by percentage?
- a. Self-defense, fear of crime \_\_\_\_\_ %
- b. Carried valuables \_\_\_\_\_ %
- c. Carried drugs in lawful trade or business \_\_\_\_\_ %
- d. Other \_\_\_\_\_ %
- e. For "other" please briefly state main reason CCW issued:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- IV. What were the reasons people were denied CCW's in your jurisdiction:
- a. Ex-felon \_\_\_\_\_ %
- b. Drug addict \_\_\_\_\_ %
- c. Mentally unstable \_\_\_\_\_ %
- d. Radical political beliefs \_\_\_\_\_ %
- e. Insufficient need or reason \_\_\_\_\_ %
- f. Lacked training in use of firearms \_\_\_\_\_ %

g. Other (Briefly state reasons) \_\_\_\_\_ 3

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V. Does your office make available to the public your policies and practices governing the issuance of CCW's in your jurisdiction?

Yes \_\_\_\_\_ No \_\_\_\_\_

VI. If the answer to question V is "yes," please enclose a copy of those standards with your response.

VII. Does your agency require that a person complete a course of study or be trained in the use of firearms before being issued a CCW?

Yes \_\_\_\_\_ No \_\_\_\_\_

VIII. a. If the answer to question VII, is "yes," does your agency have an approved list of courses?

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Who are the approved courses sponsored by?

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c. Does your agency itself run any firearms training courses?

Yes \_\_\_\_\_ No \_\_\_\_\_

d. Is any training given or are any questions asked of the applicant for the CCW concerning the provisions of California law dealing with firearms?

Yes \_\_\_\_\_ No \_\_\_\_\_

e. Before being issued a CCW does an applicant have to physically show to your agency proficiency in the use of a pistol or revolver?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to question VIII (e) is "yes," please briefly describe the proficiency test that is given.

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- IX. Briefly state the most common limitations on the time and the places that the permittee can carry a concealed weapon.

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- X. Does your agency require the photograph of the permittee to be on the permit that is issued?

Yes \_\_\_\_\_ No \_\_\_\_\_

## San Francisco Planning Department : Areas Within 1000 feet of a School

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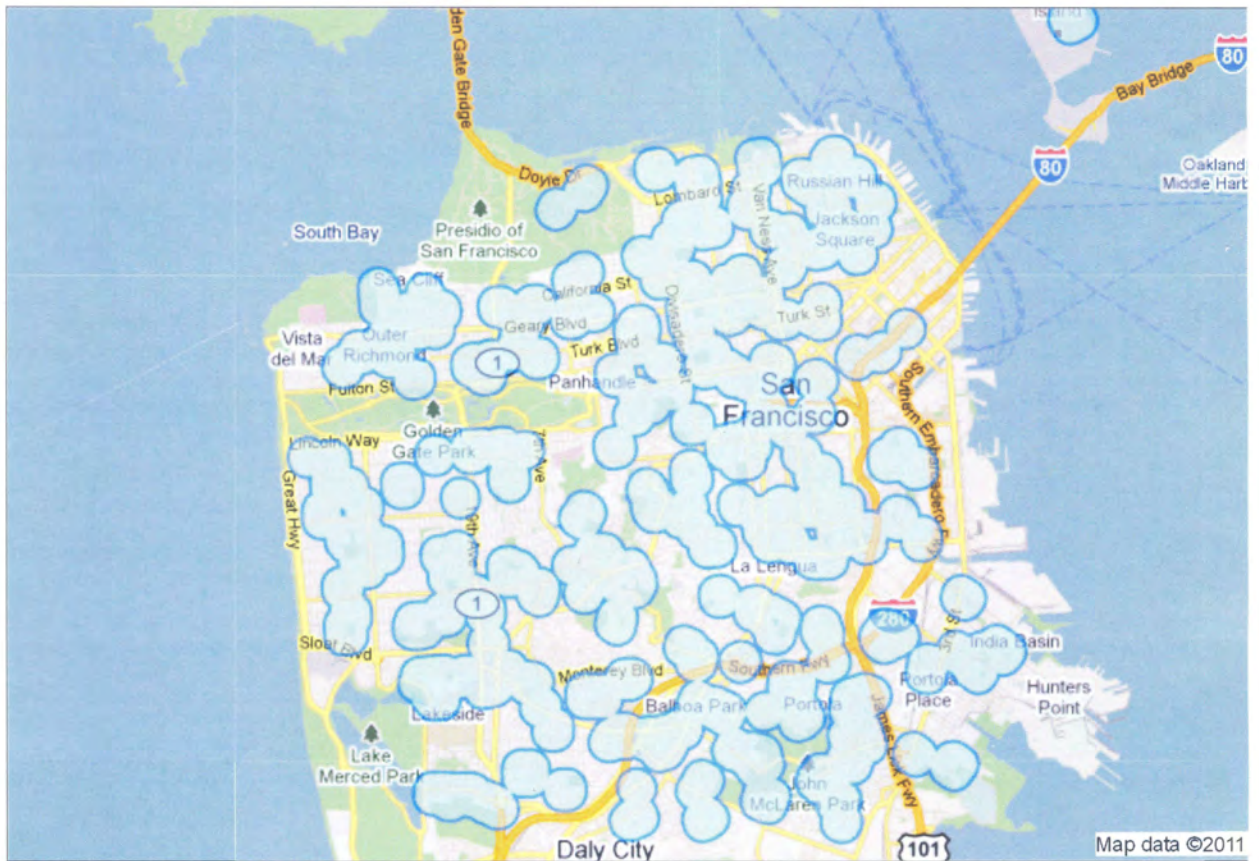
## Areas Within 1000 feet of a School

<http://www.sf-planning.org/index.aspx?page=2337>

This is an enlarged copy of the map for your convenience the original map is attached.

1650 Mission Street

Search



 - Within 1000ft of a school.

[Email Feedback or Questions](#)



## Areas Within 1000 feet of a School

