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Ruling on concealed weapons spotlights California's key role in gun debate



An appeals court has ruled that Californians don't have a constitutional right to carry concealed weapons in public. (Rogelio V. Solis / Associated Press)

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A federal appeals court ruling that gave gun control advocates a major victory Thursday underscored California's rising importance as a center of legal and political battles over guns.

The U.S. 9th Circuit Court of Appeals decided in a 7-4 ruling that California counties may restrict permits for carrying concealed firearms in public. That decision overturned a [2014 ruling](#) that prompted some California counties to relax their rules.

"It should not be minimized how big a victory this was for gun control advocates," said UCLA law professor Adam Winkler. "Not only does it affirm the constitutionality of restrictive conceal-carry laws in California's major cities, it also makes it less likely the Supreme Court will step in."

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The ruling came at a time when lawmakers in Sacramento have been considering a flurry of gun bills and as California voters prepare to consider a likely November ballot measure on gun control.

"California has really been pursuing a gun control agenda more vigorously than any other state in the nation," Winkler said.



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Gun owners said they might appeal Thursday's decision to the U.S. Supreme Court, an uncertain prospect given there is now no need for the high court to resolve differences among the federal appeals court circuits. Winkler said Thursday's ruling brought the 9th Circuit in agreement with other circuits that have ruled on the issue.

The gun lobby also pledged to challenge California's ban on openly carrying guns in public.

Thursday's decision said the 2nd Amendment does not give people the right to carry a concealed gun.

"The 2nd Amendment may or may not protect to some degree a right of a member of the general public to carry a firearm in public," wrote Judge William A. Fletcher, a Clinton appointee. "If there is such a right, it is only a right to carry a firearm openly."

California law allows county law enforcement agencies to set rules that limit permits for concealed guns. Some rural counties have relaxed rules and make permits easily available. Most urban counties have strict rules.

The ruling, which affects nine states, gives them wide latitude to impose all sorts of restrictions on carrying concealed weapons. California law says applicants for permits must show "good cause" for needing the weapons, but counties define "good cause" differently.

"Because the 2nd Amendment does not protect in any degree the right to carry concealed firearms in public," Fletcher wrote for the majority, "any prohibition or restriction a state may choose to impose on concealed carry — including a requirement of 'good cause,' however defined — is necessarily allowed by the Amendment."

Gun owners challenged the law after being denied permits to carry concealed guns in San Diego County. Although trained in gun use and cleared in background checks, the applicants could not cite compelling reasons for why they needed to carry concealed firearms in public.

A three-judge 9th Circuit panel decided 2 to 1 two years ago that counties had to relax their rules for permits.

The decision was based on a 2012 state law that took away the right of people to carry unloaded guns openly in public and tote ammunition separately. The panel majority said the state could not prohibit carrying guns both openly and concealed.

San Diego County declined to appeal the ruling, but Atty. Gen. Kamala D. Harris challenged it on behalf of the state.

Thursday's decision failed to reach any conclusions on whether California's law banning the open carrying of guns was constitutional. The court said that issue was not before it.

The dissenting judges argued that California's rules on carrying guns in public were too restrictive.

Judge Consuelo M. Callahan, a Reagan appointee, said the rules in some counties on concealed guns, coupled with California's prohibition on open carrying, amounted to "a total ban on the right of an ordinary citizen to carry a firearm in public for self-defense."

"While states may choose between different manners of bearing arms for self-defense, the right must be accommodated," she wrote.

Chuck Michel, the lawyer for the gun owners in the case, said his clients were disappointed but not surprised "given the political inclinations of the judges on this panel."

He said gun owners will now mount a constitutional challenge of the state's ban on openly carrying guns.

Thursday's decision "avoided answering the critical legal question of whether, if concealed carry is prohibited, some form of open carry of firearms must be allowed," Michel said. "California law bans open carry, so the constitutionality of that ban will now have to be tested."

Gun owners have been divided over whether to challenge the ban on openly carrying firearms in public. Some have worried that people would be frightened of seeing others with guns in department stores and might become more inclined to support gun control.

UCLA's Winkler said courts also might be reluctant to allow people to openly carry guns in public.

"I generally think that judges are like the rest of us and many of us don't want to see people carrying guns into the Starbucks when we are getting our morning latte," he said.

Michel initially said the gun owners were likely to appeal Thursday's decision to the Supreme Court, but later said such a move was a mere "possibility."

The Supreme Court has been reluctant to take gun control cases in recent years. The death of Justice Antonin Scalia, who favored gun rights, also has left the court deadlocked 4-4 in some cases. Legal analysts said the court was unlikely to take on such a major case without nine justices.

The California Rifle & Pistol Assn. said Thursday's decision showed the 9th Circuit was "out of touch" with most Americans.

"This decision will leave good people defenseless, as it completely ignores the fact that law-abiding Californians who reside in counties with hostile sheriffs will now have no means to carry a firearm outside the home for personal protection," the group said.

Elizabeth Avore, legal director of Everytown for Gun Safety, a gun control advocacy group, called the ruling "a major victory for public safety."

"The decision is well within the legal mainstream, aligning the 9th Circuit with courts that have upheld nearly identical laws in New York, New Jersey, and Connecticut," Avore said. "It is just the

latest judicial recognition that common-sense gun laws do not violate the 2nd Amendment.”

After the 2014 decision, Ventura and Orange County changed their policies to make it easier for gun owners to obtain concealed carry permits. Ventura County does not plan to change its policies now, a spokesperson said Thursday.

Orange County reverted to its more restrictive practices when the 9th Circuit decided to review the 2014 decision.

Orange County Sheriff Lt. Mark Stichter said Thursday’s court decision might spur some people to drop their applications for concealed carry now that they will have to state specific reasons for their needs.

Most counties, including Los Angeles, did not change their rules because the ruling was quickly appealed.

“We did not relax our standards, because we wanted to wait for a final decision in that case.” Said Sgt Royce Haislip with Kern County Sheriff’s Department.

In a news conference Thursday afternoon, Sheriff Ed Prieto said he felt “vindicated” after the ruling.

“In Yolo County, I think this is an effective policy and it seems to have been working effectively for years,” he said. He later questioned why people would want to carry a weapon.

“How many times have you been attacked? How many friends do you have who have been attacked? I’m not talking about the exception,” he said. “I have five daughters and I can say I would not honestly give a weapon to any one of my daughters.”

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UPDATES:

3:12 p.m.: This article has been updated with additional reaction.

11:58 a.m.: This article was updated with reaction and additional details.

10:21 a.m.: This article was updated with additional details from the decision.

This article was originally published at 10:01 a.m.

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Brittny Mejia is a Metro reporter who joined the Los Angeles Times in 2014. She writes narrative pieces with a strong emphasis on the Latino community and others that make up the diversity of L.A. and California. Mejia was a Pulitzer Prize finalist in 2021 in local reporting for her investigation with colleague Jack Dolan that exposed failures in Los Angeles County's safety-net healthcare system.

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