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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2023 - 2024 Regular Session

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### SB 2 (Portantino) - Firearms

**Version:** March 1, 2023

**Urgency:** No

**Hearing Date:** April 10, 2023

**Policy Vote:** PUB. S. 4 - 1

**Mandate:** Yes

**Consultant:** Matthew Fleming

**Bill Summary:** SB 2 would create a new issuing process for concealed carry weapons (CCW) licenses following the U.S. Supreme Court ruling in *New York Rifle and Pistol Association v. Bruen* from June of 2022.

#### Fiscal Impact:

- DOJ: The DOJ reports costs of \$9.8 million in 2023-24, \$17.2 million in 2024-25, \$16.8 million in 2025-26, \$13.9 million in 2026-27, and \$12.2 million ongoing thereafter (Fingerprint Fees Account, General Fund).\*
- Judicial Branch: Unknown court workload cost pressures to the trial courts for increased staff time and resources to adjudicate petitions for review of CCW license denials (Trial Court Trust Fund, General Fund).\*
- Local Costs: Unknown, possibly reimbursable costs, to local law enforcement agencies, including city police agencies and county sheriff offices to comply with the requirements in this bill for issuing CCWs (Local Funds, General Fund).\*

\*See Staff Comments for additional detail.

**Background:** On June 23, 2022, the United States Supreme Court issued its ruling in *New York State Rifle and Pistol Association v. Bruen*, (2022) 142 S. Ct. 2111. The case addressed the constitutionality of a New York State law requiring applicants for a license to carry a concealed pistol on their person to show “proper cause,” or a special need distinguishable from the general public, as well as good moral character, when applying for license. The Supreme Court ruled that the New York law’s proper cause requirement was an unconstitutional violation of the Second Amendment. The Court held that the “Second and Fourteenth Amendments protect an individual’s right to carry a handgun for self-defense outside the home,” establishing a constitutional right to publicly carry a firearm under the Second Amendment.

In reaching its decision, the Court also recognized that California is among the limited number of states that have an analogue to New York’s proper cause standard in their concealed carry laws. On June 24, 2022, the Attorney General issued a Legal Alert, expressing his view that the Court’s decision renders California’s “good cause” standard to secure a permit to carry a concealed weapon in most public places unconstitutional and unenforceable. Accordingly, the Attorney General directed issuing authorities to cease requiring proof of good cause for the issuance of a public carry license, but made clear that they should continue to apply and enforce all other aspects of California law

with respect to public-carry licenses and the carrying of firearms in public. This bill seeks to amend California's concealed carry licensing scheme to comport with *Bruen*.

**Proposed Law:**

- Requires CCW licensing authorities to issue or renew a CCW license if the applicant is not a disqualified person for the license and the applicant is at least 21 years of age.
- Removes the good character and good cause requirements from CCW issuance criteria.
- Provides that a disqualified person is someone who, among other things, is reasonably likely to be a danger to self, others, or the community at large, as specified.
- Requires the applicant for a CCW to be the recorded owner, with the DOJ, of the pistol, revolver, or other firearm capable of being concealed upon the person for which the CCW license is sought.
- Requires the issuing authority, if it has direct access to the designated department system, to determine if the applicant is the recorded owner of the pistol, revolver, or other firearm.
- Requires an issuing authority without access to that system to confirm the ownership with the sheriff of the county in which the agency is located.
- Alters the training requirement for a CCW license to be no less than 16 hours in length and adds additional subjects to the course including the safe storage and legal transportation of firearms.
- Requires a licensing authority to provide the applicant notice if a new license or license renewal is denied or revoked.
- Provides that an applicant may request a hearing to challenge a license denial or revocation, and requires the licensing authority to inform the applicant of the ability to seek a hearing.
- Authorizes an applicant to seek a writ of mandate from a superior court within 30 days of receipt of notice of denial or revocation, and requires the licensing authority to inform the applicant of the ability to seek a writ of mandate.
- Requires DOJ to notify a licensing authority if the department is unable to ascertain, among other things, the final disposition of an arrest or criminal charge under state or federal law that would prohibit the person from possessing, receiving, owning, or purchasing a firearm.
- Prohibits a license from being issued or renewed unless the department reports to a licensing authority that the applicant is eligible to possess, receive, own, or purchase a firearm, as specified.

- Authorizes a licensing authority to charge additional processing cost fees for a license renewal and would permit the licensing authority to collect the first 50% of the fee upon filing of the application.
- Removes a prohibition on licensing authorities that restricts them from requiring additional fees or liability insurance.
- Authorizes the Attorney General to revise the standard form for licenses and the design standard, as specified.
- Removes specified exemptions that authorize CCW licensees to carry firearms in places such as the residence of the Governor, any other constitutional officer, or a Member of the Legislature; makes it a crime to bring an unloaded firearm into those same places.
- Revises specified exceptions for persons who have a valid CCW license to permit them to carry a specified firearm in an area that is not within any building, real property, or parking area under the control of a public or private school, or on a street or sidewalk immediately adjacent to a building, real property, or parking area under the control of that public or private school, as specified.
- Prohibits a CCW licensee from carrying a firearm to specified locations, including, among other places, a building designated for a court proceeding and a place of worship, with specific exceptions.
- Prohibits a person from knowingly possessing a firearm in any building, real property, or parking area under the control of an airport or passenger vessel terminal, as specified.
- Requires a licensing authority to revoke a CCW license if, among other things, a licensee has provided inaccurate or incomplete information on their application for a new license or license renewal.
- Prohibits a licensee from, among other things, consuming an alcoholic beverage or controlled substance and from falsely representing that the licensee is a peace officer.
- Authorizes the DOJ to adopt emergency regulations to implement the concealed firearm licensing system, as specified.

**Related Legislation:** SB 918 (Portantino, 2022) was similar to this bill. SB 918 failed passage on the Assembly floor.

**Staff Comments:**

- DOJ: The DOJ anticipates that it would require a delayed implementation in order to properly plan and implement. Department of Technology (CDT) Oversight and Approval requires a 4-stage Project Approval Lifecycle (PAL). As part of the PAL oversight, all planning documents must be submitted for review and approval. This

requirement adds approximately 6 months to the project timeline.

Under DOJ's 36-month timeline for planning and implementation of SB 2, the Application Development Bureau would need to collaborate with the impacted programs, document requirements, design, and perform required system changes to all impacted systems. Existing systems that could be impacted and require changes include the Armed Prohibited Persons Systems (APPS), Assault Weapon Registration application, CCW system, Dealer Record of Sale (DROS), and the Prohibited Applicant Database. Numerous permanent positions and temporary consulting and IT help hours would be required to plan, perform analysis, design, develop, and implement IT solutions.

The Enterprise Services Bureau (ESB) would need to collaborate with the impacted programs to plan, oversee, and manage all project phases that include analysis, requirements specifications, design, implementation, testing, transition to production, project close-out, and post implementation. The ESB would require numerous permanent positions and temporary consulting and IT help hours. Numerous permanent positions would also be required in the Criminal Record Update Program and the Criminal Record Expedite and Support Program.

The Cal-ID program would require numerous permanent crime analyst positions as well as overtime hours for comparison and verification of incoming electronic fingerprint images with existing department records for Subsequent CCW Licenses.

The Division of Law Enforcement (DLE) would require numerous limited term positions to promulgate regulations and to process an increase in firearm reporting forms to require that a CCW applicant be the recorded owner of the firearm for which the license would be issued. Additional permanent positions would be necessary for hearings related to disqualified persons determinations and background screenings.

The DOJ also anticipates an increase in litigation due to potential legal challenges to this bill. They estimate additional resources consisting of 2.0 Deputy Attorneys General and the legal complement of 1.0 Legal Secretary, beginning on January 1, 2024 and concluding December 31, 2026. Although litigation costs are speculative, there have been a plethora of legal challenges to California's legislative efforts at gun control over the years, defended by the Attorney General.

The DOJ additionally anticipates hundreds of hours of overtime resources for IT enhancements, testing, or revising forms.

- **Judicial Branch:** This bill allows a person denied a CCW license to file a petition in superior court as an administrative appeal for review. It generally costs about \$1,000 to operate a courtroom for one hour. Consequently, if the petitions for review generated by this bill take 50 or more hours of court involvement across the State, the cost pressures of this measure would surpass the Suspense File threshold. Although courts are not funded on the basis of workload, increased staff time and resources may create a need for increased funding for courts from the General Fund (GF) to perform existing duties. Numerous trial court operations are funded through the imposition and collection of criminal fines and fees. However, the Legislature has reduced and eliminated criminal fines and fees over the past decade. As a result, the

2023-24 proposed budget anticipates an ongoing annual allocation of \$109.3 million from the GF to backfill declining revenue to the Trial Court Trust Fund.

- Local Costs: Prior to the *Bruen* decision, local law enforcement used a good cause standard to make case-by-case decisions on CCWs. This bill may require a more nuanced evaluation of a CCW application. Local costs could be in the millions in the first two or three fiscal years as more people apply for CCWs following the Supreme Court's ruling, with costs declining over time. Costs to the General Fund will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

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