

CONCURRENCE IN SENATE AMENDMENTS

AB 1078 (Berman)

As Amended September 4, 2025

Majority vote

SUMMARY

Establishes, among other things, new criteria for a non-California resident application for a concealed carry weapons (CCW) license or license renewal, requires the applicant to attest that the jurisdiction in which the applicant has applied is the primary location in California in which they intend to travel or spend time, and requires that the applicant has completed live-fire shooting exercises for each pistol, revolver, or other firearm for which the applicant is applying to be licensed to carry in California.

Senate Amendments

- 1) Increase the number of firearms that a person can apply to purchase within any 30-day period from one to three, beginning April 1, 2026, and would prohibit, beginning April 1, 2026, delivery of a firearm by a dealer if the dealer is notified by the Department of Justice that the purchaser has made an application to purchase one or more firearms that would result in the purchase of more than 3 firearms cumulatively within the 30-day period preceding the date of the application
- 2) Establish that requirement for a licensee shall conspicuously post within the licensed premises the following warnings in block letters not less than one inch in height shall become inoperative on April 1, 2026, and, as of January 1, 2027, is repealed.
- 3) State that the law limiting individuals to one firearm per month (including frames or receivers, and firearm precursor parts), and its exceptions, shall become inoperative on April 1, 2026, and, as of January 1, 2027, is repealed.
- 4) Provide that a firearms dealer shall not deliver a firearm to a person under defined conditions shall become inoperative on April 1, 2026, and, as of January 1, 2027, is repealed.
- 5) Remove provision that would reinstate the one firearm per month law if the case overturning the same law were reversed on appeal.
- 6) Clarify that no local licensing authority shall issue a concealed carry license if the applicant *knowingly* provides any inaccurate or incomplete information in connection with an application for a license or license renewal or an application to amend a license, as defined.
- 7) Clarify that a concealed carry license shall be revoked if the applicant *knowingly* provides any inaccurate or incomplete information in connection with an application for a license or license renewal or an application to amend a license, as specified.
- 8) State that a licensing authority shall issue no concealed carry renewal license unless the Department of Justice (DOJ) confirms the applicant's eligibility to possess, receive, own, or purchase a firearm, as specified.

- 9) Provide that a concealed carry license shall not be issued if the licensee provided any inaccurate or incomplete information in connection with an application for a license or license renewal or an application to amend a license, as specified.
- 10) Provide that a license shall not be issued if at any time DOJ determines that a licensee is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm, and requires DOJ to immediately, but no longer than 15 days after the determination, notify the local licensing authority of the determination.
- 11) Provide that an applicant shall be deemed to be a disqualified person and cannot receive or renew of a CCW if they are an unlawful user of, or addicted to, any controlled substance.
- 12) Define "abusing," for purposes of deeming a person to be disqualified for abusing any controlled substance, as an excessive use or consumption reflecting that the applicant has lost the power of self-control with reference to the controlled substance or alcohol.
- 13) State that the initial determination shall include a final determination regarding the applicant's qualification status and that, upon determining the applicant is a disqualified person, the licensing authority shall, within five days, submit to the National Instant Criminal Background Check (NICS) system the full name, date of birth, and physical description of the applicant. The supporting documentation validating any identifying information shall be retained for at least 12 months and include proof of arrest or conviction, results of a controlled substance test, or documentation of the admission of use, as well as date of arrest, conviction, test, or admission.
- 14) Clarify that an application for license renewal before September 1, 2026 shall give the applicant written notice of approval or denial within 120 days and on or after September 1, 2026, the written notice shall be within 120 days or within 30 days of the DOJ's receipt of the required information, as defined, whichever is later.
- 15) Define "nonviolent felony," for the purposes of the felon-in-possession prohibition to mean an offense under the laws of another state that does not include a material element of California laws delineating serious and violent felonies, offenses involving the violent use of a firearm, and other violent offenses, as specified.
- 16) Specify that an attempt, conspiracy or solicitation to commit an offense, or aiding and abetting an offense, under the laws of any other state that includes comparable elements constituting a serious or violent felony, an offense involving the violent use of a firearm, and other violent offenses, is *not* a "non-violent felony."
- 17) Include severability provision.
- 18) Make other technical and nonsubstantive changes.

COMMENTS

As passed by the Assembly: This bill established new criteria for a non-California resident application for a concealed carry weapons (CCW) license or license renewal, requires the applicant to attest that the jurisdiction in which the applicant has applied is the primary location in California in which they intend to travel or spend time, and requires that the applicant has

completed live-fire shooting exercises for each pistol, revolver, or other firearm for which the applicant is applying to be licensed to carry in California.

Major Provisions:

- 1) Stated that the prohibition against a person knowingly possessing a firearm in a public transit facility does not apply to a person transporting an unloaded firearm locked in a lock box, as specified.
- 2) Provided that when a non-California resident applies for a new CCW license or license renewal to carry a pistol, revolver, or other firearm, the sheriff of a county or the chief or other head of a municipal police department of any city or city and county shall issue or renew a license to that non-California resident, subject to the following conditions:
 - a) The applicant is not a disqualified person to receive the license, as determined in accordance with defined standards and all comparable statutes and provisions of law of the nonresident applicant's state of residence.
 - b) The applicant is at least 21 years of age and confirms their identity, age, and state of residence by providing either a valid driver's license from their state of residence or a valid out-of-state identification card issued by the Department of Motor Vehicles.
 - c) The applicant attests, under oath that the jurisdiction in which they have applied is the primary location in California in which they intend to travel or spend time.
 - d) The applicant has completed a course of training that meets the criteria as it pertains to the licensing authority to which the application is submitted. If the licensing authority to which the application is submitted has not approved of any online training courses, the applicant may complete an online training course approved by any other licensing authority that issues licenses, as specified.
 - e) The applicant has completed live-fire shooting exercises, as required, for each pistol, revolver, or other firearm for which the applicant is applying to be licensed to carry in California. The applicant shall inform the licensing authority to which they have applied of the live-fire course the applicant intends to complete, and the licensing authority shall either approve the course or suggest an alternative acceptable course within 75 miles of the applicant's residence.
 - f) The applicant has identified on the application the make, model, caliber, and serial number of each pistol, revolver, or other firearm for which the applicant is applying to be licensed to carry in California. Identification of a pistol, revolver, or other firearm that cannot lawfully be carried or possessed in California shall be cause for denial of a license as to that pistol, revolver, or other firearm.
- 3) Provided that a licensing authority shall not issue a CCW renewal license if DOJ is unable to ascertain the final disposition of an arrest or criminal charge, the outcome of a mental health treatment or evaluation, or the applicant's eligibility to possess, receive, own, or purchase a firearm.

- 4) Stated that, if a psychological assessment on the initial application is required by the licensing authority, the licensing authority may either allow the applicant to complete a virtual psychological assessment, where the applicant appears by video and audio, or approve an examination provider located within 75 miles of the applicant's residence.
- 5) Stated that a license shall not be issued if an applicant provides any inaccurate or incomplete information in connection with an application for a license or license renewal or an application to amend a license.
- 6) Provided that a licensee shall inform the local licensing authority that issued the license of any restraining order or arrest, charge, or conviction of a crime.
- 7) Expanded the circumstances making someone ineligible for a CCW license or license renewal to include convictions for any federal law or law of any other state that includes comparable elements of the specified state offenses, as defined.
- 8) Provided that the prohibition on a person CCW license eligibility or renewal for people abusing controlled substances does not apply to the lawful habitual or occasional use or consumption of cannabis or alcohol.
- 9) Provided that a review by the licensing authority of a person's eligibility for CCW shall include a review of information indicating that the applicant is reasonably likely to be a danger to self, others, or the community at large, as specified, or that the applicant is otherwise disqualified, as specified.
- 10) Stated that in determining whether a person is disqualified to receive or renew a license, an in-person interview or virtual interview where the person appears by video and audio, at the person's election, is required.
- 11) Required a licensing authority, if a licenseholder fails to submit an application for renewal within 90 days of the expiration of their license, to immediately request that the department terminate state or federal subsequent notification, as described.
- 12) Provided that, if a mandate following an appeal is issued reversing, in whole or in part, the district court order and judgment in *Nguyen v. Bonta*, S.D. Cal. No. 3:20-cv-02470, thereby allowing the state to limit firearm sales to one firearm within any 30-day period, the Attorney General shall, before the 30th day after the issuance, inform every licensed firearms dealer in California that the limit to purchase a firearm shall decrease to one firearm within any 30-day period.
- 13) Made technical and conforming changes pursuant to the above provision regarding the posting requirements.
- 14) Stated that a person shall not apply to purchase one or more firearms if the application would result in the person cumulatively purchasing more than three firearms in a 30-day period, where the rule is subject to change pending the outcome of court cases.
- 15) Provided that the prohibition on a person with a felony conviction from owning, purchasing, receiving, or possession a firearm does not apply if the felony conviction was for a

nonviolent felony under the laws of another state and if both of the following criteria are satisfied:

- a) The conviction has been vacated, set aside, expunged, or otherwise dismissed under the laws of the state where the defendant was convicted; and
- b) If the conviction resulted in a firearms prohibition under the laws of the state where the defendant was convicted, the vacatur, set aside, expungement, or dismissal of the conviction restored firearms rights under the laws of that state.

16) Provided that the prohibition for defined convictions does not apply to a conviction for a nonviolent felony under the laws of any other state if both of the following criteria are satisfied:

- a) The person received a full and unconditional pardon by the Governor of the other state for the felony conviction and the pardon restores civil rights that include firearms rights; an
- b) The person was never convicted of a felony involving the use of a dangerous weapon, as that phrase is used in Sections 4852.17 and 4854.

17) Provided that "nonviolent felony" means an offense under the laws of another state that does not include comparable elements, attempt, conspiracy, solicitation, or aiding or abetting an offense under the laws of another state constituting an offense, as defined.

18) Made other technical and nonsubstantive changes.

According to the Author

"California has long been a leader in implementing commonsense firearm laws, and these laws save lives. Recent Supreme Court decisions in *Bruen* and *Rahimi* created new constitutional standards for evaluating firearm regulations under the Second Amendment, leading to legal challenges that threaten critical aspects of California's firearm safety laws. After *Bruen*, California followed Supreme Court guidance and enacted Senate Bill 2, expanding public carry while protecting public safety. Legal challenges to Senate Bill 2 and other California firearm laws are working through the courts, but the Legislature must be proactive in better aligning the State's strong and effective firearms laws to evolving constitutional requirements and practical realities.

"AB 1078 responds to these challenges by amending California's firearm laws to ensure they remain enforceable and effective. This bill updates our concealed carry licensing rules to comply with due process and establishes procedures for non-residents and individuals with rehabilitated out-of-state felony convictions to exercise their rights under the Second Amendment. It also strengthens firearm purchase restrictions to prevent gun trafficking and allows concealed carry license holders to transport their firearms on public transit while protecting public transit passengers from gun violence by requiring those firearms to be unloaded and secured in a lockbox.

"By addressing constitutional concerns and making the needed updates to our firearm laws, AB 1078 enhances public safety, prevents legal uncertainty, respects Second Amendment rights, and protects California's strong firearm laws from additional legal challenges."

Arguments in Support

According to California Attorney General Rob Bonta, "In 2022, the Supreme Court issued its decision in *New York Rifle & Pistol Ass'n v Bruen*, holding that "good cause" requirements for carry a concealed weapon ("CCW") licenses were unconstitutional. In reaching the Bruen decision, the Court set aside the traditional two-step test for evaluating Second Amendment cases and instead created the new text-and-history test, requiring that any regulation of firearms must be consistent with the nation's historical tradition of firearm regulation. The Bruen decision itself, however, provided little guidance on how to apply this new test.

"In response to Bruen, California enacted Senate Bill 2 (Portantino) in 2023, which revised the state's CCW licensing laws to replace the good cause requirement with objective, defined criteria consistent with Bruen's guidance. Since that time, the interpretation of the Bruen test has been clarified through lower court rulings in cases challenging California's firearms laws, including Senate Bill 2.

"AB 1078 provides critical updates to California's CCW and firearms laws to align with recent court holdings clarifying the text-and-history test including: removing the automatic five-year CCW disqualification for individuals who were subject to expired ex parte restraining orders; authorizing CCW holders to transport firearms on public transit, provided the firearms are unloaded and secured in a DOJ-certified lock box; establishing a process for non-residents to apply for CCW licenses; allowing individuals with non-violent, out-of-state felony convictions that have been expunged, vacated, or pardoned to regain firearm rights; and making various technical improvements to the CCW licensing process.

"In addition, AB 1078 will reestablish reasonable purchase limits on firearms to prevent bulk purchases of guns. Enforcement of the current laws governing firearm purchase limits is presently enjoined by court order, meaning an individual can currently purchase an unlimited number of firearms at any time. This bill will set a new purchase limit of three firearms per 30-day period, which will prevent individuals from stockpiling weapons in a short period of time."

Arguments in Opposition

According to Gun Owners of California, "This legislation is multi-faceted; one of the more objectionable elements is that it seeks to mandate non-Californians select the jurisdiction for their CCW application based upon where their primary destination would be while in the state. Given that we are one of the largest states nationally and boast more tourism dollars than another other state by far – forcing a tourist to establish a single, primary area where they may visit is an unreasonable expectation. Visitors to beautiful California travel from one end of the state to the other.

"Additionally, this proposal circumvents – in a seemingly positive matter – the ruling in *Nguyen v. Bonta*, which declared California's one gun a month scheme unconstitutional. In truth, however, this is nothing more than a legislative snub to the ruling, as if increasing the limit to three guns would pass Constitutional muster. Further, the bill provides that any CCW

application that contains even the most basic error or unintended omission, would be invalidated; this is both punitive and unnecessary.

"In closing, it's important to note that should Congress pass HR 38, the National Constitutional Reciprocity bill, this legislation and a score of other similar proposals will be declared null and void."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) The Department of Justice (DOJ) estimates a fiscal impact of approximately \$190 thousand or less (General Fund). DOJ notes that implementation of this bill will be dependent upon the appropriation of funds. DOJ will be unable to absorb the costs to comply with or implement the requirements of the bill within existing budgeted resources. The estimated expenditures for this bill cannot be funded from the Dealers' Record of Sale (DROS) Account. Current revenues are insufficient to cover the increased cost of this bill. As such, for the DOJ to fully fund the associated costs inherent with the mandates of this bill, a General Fund appropriation is required.
- 2) DOJ notes that its Division of Law Enforcement (DLE), Bureau of Firearms (BOF) would require the following overtime in FY 2025-26:
 - a) 40 hours of overtime (OT) from 1.0 Associate Governmental Program Analyst in the Customer Support Center (CSC) to create/review business requirements (BRs), review functional requirements (FRs), attend joint application development (JAD) sessions, conduct user acceptance testing (UAT);
 - b) 40 hours of OT from 1.0 Staff Services Analyst (SSA) in CSC to attend JAD sessions and conduct UAT;
 - c) 44 hours of OT from 1.0 Crime Analyst Supervisor (CAS)) in the Eligibility Clearance Unit (ECU) to create/review BRs, review FRs, attend JAD sessions, conduct UAT, modify the BOF/DROS-0003 which includes reviews, edits, routing time, uploading to R4J, and provide information to Web team to make changes to BOF site in regard to this modification;
 - d) Three hours of OT from 1.0 CAS in the Quality Assurance Unit (QAU) to update training materials for the new firearm prohibition and update the Firearms Prohibiting Categories list;
 - e) 15 hours of OT from 1.0 CAS in the QUA to update training materials;
 - f) 20 hours of OT from 1.0 Crime Analyst (CA) in ECU to attend JAD sessions and conduct UAT;
 - g) 70 hours of OT from 2.0 Field Representatives (FR) in the Regulation Compliance Unit to update procedures and inspection documents with new requirements specified in AB 1078; and,

- h) Additionally, DLE would require funding in FY 2025-26 for Deputy Attorney General (DAG) consultation costs.

DOJ also notes that its California Justice Information Services (CJIS) Division would necessitate system modification and enhancement to existing systems. The CJIS Division estimates a four-month implementation project. This effort would consist of two weeks of upfront planning, followed by six weeks of development effort, four weeks of testing, and four weeks of post implementation efforts. The following resources would also be required:

- i) Java/SQL Developer Consultant – FY 2025-26, \$100,000 (500 hours at \$200/hour). The JAVA/SQL Developer would be responsible for developing system changes in DROS, DES, CFIS Batch, CFGI, CFIS Database and JES. The consultant would update any technical documentation, unit test and fix defects, and provide post implementation support; and,
 - j) Systems Analyst Consultant – FY 2025-26, \$60,000 (300 hours at \$200/hour). The Consultant would gather requirements, document functional requirements, update use cases and process workflows, update report specifications, test, log defects and provide user acceptance testing support.
- 3) Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to the courts to hear cases arising from this bill. This bill adds additional bases upon which a licensing authority may deny a person's application for a CCW license. Existing law permits a person whose CCW application is denied to seek court review of the licensing authority's decision. As described in more detail in the policy committee analyses, this bill may result in additional trial court costs to the extent that cases are brought to litigate its constitutionality. The fiscal impact of this bill to the courts will depend on many unknowns, including the numbers of people charged with an offense and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. This is a conservative estimate, based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.
- 4) Costs of an unknown but potentially significant amount to local law enforcement agencies (local funds, General Fund) that issue CCW licenses, typically county sheriffs' offices and city police departments. This bill will increase workload of local law enforcement agencies, particularly in areas with a high proportion of non-residents seeking CCW licenses. The state must reimburse these costs from the General Fund if the Commission on State Mandates determines the duties imposed by this bill constitute a reimbursable state mandate.

VOTES:

ASM PUBLIC SAFETY: 6-2-1

YES: Schultz, Mark González, Haney, Harabedian, Ramos, Sharp-Collins

NO: Alanis, Lackey

ABS, ABST OR NV: Nguyen

ASM APPROPRIATIONS: 10-3-2

YES: Wicks, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

NO: Dixon, Ta, Tangipa

ABS, ABST OR NV: Sanchez, Arambula

ASSEMBLY FLOOR: 57-19-3

YES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NO: Alanis, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

ABS, ABST OR NV: Arambula, Bains, Soria

UPDATED

VERSION: August 29, 2025

CONSULTANT: Dustin Weber / PUB. S. / (916) 319-3744

FN: 0001941