

**CALIFORNIA DEPARTMENT OF JUSTICE**  
**TITLE 11. LAW**  
**DIVISION 1. ATTORNEY GENERAL**  
**CHAPTER 14. CARRY CONCEALED WEAPONS LICENSES**

**INITIAL STATEMENT OF REASONS**

**PROBLEM STATEMENT**

In late June 2022, the United States Supreme Court issued its decision in *New York Rifle & Pistol Association v. Bruen* (2022) 597 U.S. 1 (*Bruen*), holding that the State of New York’s requirement that “proper cause” be demonstrated in order to obtain a permit to carry a concealed weapon in most public places was unconstitutional. The day after the decision was issued, the California Attorney General issued Legal Alert No. OAG-2022-02, which concluded that the “good cause” requirements set forth in Penal Code sections 26150, subdivision (a)(2), and 26155, subdivision (a)(2), which authorized local officials to issue concealed carry weapons licenses, were unconstitutional and unenforceable under *Bruen*. However, the Supreme Court expressly stated that it is constitutional for states to require a license to carry a firearm in public. The decision accordingly required a legislative response.

Senate Bill 2 (SB 2) replaced California’s “good cause” and “good moral character” requirements in Penal Code sections 26150, 26155, and 26170. Under SB 2, a licensing authority (such as a county sheriff or municipal police chief) shall issue or renew a carry concealed weapons (CCW) license if the licensing authority determines that the applicant is not a disqualified person under certain defined and objective criteria and meets other specified requirements. (Pen. Code, § 26202.)<sup>1</sup> An applicant may challenge a licensing authority’s disqualified person determination by requesting a hearing in the superior court of their county of residence. (§ 26206.)

CCW license applicants must complete a course of training before a licensing authority can issue the license. Except for the component on mental health and mental health resources, SB 2 requires the course to be taught and supervised by firearms instructors certified by the California Department of Justice (Department) under Penal Code section 31635, or in a manner to be prescribed by regulation. (§ 26165, subd. (a)(4).) The proposed regulations establish the qualifications to become a CCW DOJ Certified Instructor and create the application process.

The Department must determine whether CCW license applicants are prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm. (§§ 26185, 26195.) The proposed regulations establish the process for these background checks.

Penal Code section 26175 requires the Department to develop a uniform CCW license that may be used as indicia of proof of licensure throughout the state. (§ 26175, subd. (a)(3).) SB 2 updated the information that must be included on the uniform CCW license. (§ 26175, subds.

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<sup>1</sup> All references are to the Penal Code unless otherwise indicated.

(a)(3) & (i).) The proposed regulations create the uniform CCW license that complies with the new statutory requirements.

Licensing authorities must provide certain records to the Department. (§ 26225, subd. (b).) The proposed regulations provide the manner for a licensing authority to send the required records to the Department.

A CCW license holder may carry a firearm into a place of worship or a privately owned commercial establishment only if the operator posts a sign indicating that license holders are permitted to carry firearms on the property. (§ 26230, subd. (a)(22) & (26).)<sup>2</sup> Signs shall be of a uniform design as prescribed by the Department and shall be at least four inches by six inches in size. (*Ibid.*) The proposed regulations prescribe the design standards for the sign.

### **BENEFITS ANTICIPATED FROM REGULATORY ACTION**

The Department's regulations protect public health and safety by implementing a licensing scheme that prevents persons who are prohibited from owning or possessing a firearm from obtaining CCW licenses.

The regulations ensure that CCW instructors have the minimum level of skill, knowledge, and competency to teach the course required by Penal Code section 26165.

The existing uniform CCW license is not produced in a format that is easy to carry on one's person. The new uniform license has a similar format to a California driver's license or ID card and therefore it can easily be carried on one's person. A new uniform license can help reduce the use of fraudulent or fake licenses.

### **SPECIFIC PURPOSE AND NECESSITY OF EACH SECTION**

#### **Article 1. General**

##### **§ 4400. Definitions.**

This section defines five key terms that are used in the proposed regulations. The definitions are necessary to avoid any confusion that might result if these terms were not defined and to ensure uniform application throughout the regulations.

Subdivision (a) defines "CCW DOJ Certified Instructor" as an instructor certified by the Department to provide the course of training described in Penal Code section 26165. Creating an abbreviation for this term makes the regulations easier to read.

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<sup>2</sup> Penal Code section 26230, subdivision (a)(22) and (26), is currently enjoined as a result of the district court's order in *May v. Bonta* (C.D. Cal. 2023) 709 F.Supp.3d 940, 946, aff'd in part, rev'd in part sub nom. (*Wolford v. Lopez* (9th Cir., Sept. 6, 2024, No. 23-16164) 2024 WL 4097462.)

Subdivision (b) defines “CCW license” as a license issued pursuant to Penal Code sections 26150, 26155, or 26170. Creating an abbreviation for this term makes the regulations easier to read.

Subdivision (c) defines “Department” as the California Department of Justice. This definition is necessary to clarify that the term “Department” refers to the California Department of Justice.

Subdivision (d) defines “Licensing authority” as a sheriff of a county, or the chief or other head of a municipal police department of any city or city and county. This is the same definition found in Penal Code section 26185, subdivision (e). Including this statutory definition in the regulations is necessary for ease of reference.

Subdivision (e) defines “Prohibited Armed Persons File” as the same meaning as that in Penal Code sections 30000 and 30005. Including this statutory definition is necessary for ease of reference.

#### **§ 4401. Uniform CCW License.**

Penal Code section 26175 requires the Department to develop a uniform CCW license that may be used as indicia of proof of licensure throughout the state. (§ 26175, subd. (a)(3).) A CCW license must “set forth the licensee’s full name, driver’s license or identification number, Criminal Identification and Information number, occupation, residence and business address, the licensee’s date of birth, height, weight, and color of eyes and hair, and indicate the type of license issued as it relates to Section 26220, including license issuance and expiration date, and shall, in addition, contain the licensee’s fingerprints, a picture of the licensee, and a description of the weapon or weapons authorized to be carried, detailing the name of the manufacturer, the model, the serial number, and the caliber.” (§ 26175, subd. (i)(1).)

Section 4401 sets the design standards for the uniform CCW license. The uniform CCW license was designed with input from licensing authorities.

Subdivision (a) prescribes the size of the uniform CCW license. The size is the standard size of a driver’s license or credit card. This allows the uniform license to be easily carried on one’s person. Licensing authorities may either laminate the uniform CCW license or print it on a hard card. The lamination option is necessary because not all licensing agencies have the financial resources to procure or produce hard-card licenses. Licensing authorities will create the uniform license using form BOF 4501 to ensure the design standards are met.

Subdivisions (b) and (d) prescribe the design standards for the front and back of the uniform CCW license. The uniform CCW license includes all information mandated by statute. (§ 26175, subd. (i)(1).)

Subdivision (c) allows licensing authorities to add their seal to the top left corner of the front of the uniform CCW license. This option was created at the suggestion of licensing authorities. Subdivision (c) further prescribes what to enter in the “CA DL/ID,” “Lic. Issued,” “Type,” and

“Issued by” fields on the BOF 4501. These instructions ensure that licensing authorities enter the correct information into the fields.

If more space is needed to list additional weapons authorized to be carried, subdivision (e) requires them to be listed under “Restrictions, Comments, and Additional Firearm information (if any).” This option was created at the suggestion of licensing authorities because the back of the uniform license only provides space to list five weapons.

#### **§ 4402. Capturing Thumbprint for Uniform CCW License.**

The uniform license must contain the licensee’s fingerprints. (§ 26175, subd. (i)(1).) Section 4402 sets standards for capturing the licensee’s thumbprint.

Subdivision (a) requires the licensing authority to capture an original right thumbprint for every initial or renewal CCW license. If the right thumbprint is unavailable, the acceptable print order is left thumbprint followed by any available digit of the right hand, regardless of whether the digit is scarred or deformed. These standards are consistent with capturing thumbprints of firearm purchasers in California Code of Regulations, title 11, section 4220, which implements Penal Code section 28160, subdivision (b). Requiring the licensing authority to capture an original fingerprint for every initial or renewal CCW license is necessary to verify the licensee’s identity. The licensee’s thumbprint or fingerprint image must be true to size. This is necessary so that the Department can verify the fingerprint image.

Subdivision (b) sets standards for fingerprint capture devices. If a fingerprint capture device is used, the device must be certified by the Federal Bureau of Investigation (FBI) as tested and in compliance with the FBI’s Next Generation Identification (NGI) Image Quality Specifications (IQS). This is necessary to produce sufficient image quality to support fingerprint analysis and comparison.

Subdivision (c) requires the licensing authority to print Form BOF 4501 in color at a minimum resolution of 600 dpi (dots per inch) and mail the form to the Department in accordance with section 4432, subdivision (d). These specifications are necessary to produce sufficient image quality to support fingerprint analysis and comparison. The image color and quality also ensure the Department has a legible copy of the license, as required by Penal Code sections 11106, subdivision (a)(1)(B), and 26225, subdivision (b)(3).

#### **Article 2. CCW DOJ Certified Instructors.**

##### **§ 4410. CCW DOJ Certified Instructor Qualifications and Applications.**

Penal Code section 26165 requires CCW license applicants to complete a course of firearms training as a condition of obtaining a license. Except for the component on mental health and mental health resources, the course must be taught and supervised by firearms instructors certified by the Department under Penal Code section 31635, or in a manner to be prescribed by regulation. (§ 26165, subd. (a)(4).) Section 4410 establishes the qualifications to become a CCW DOJ Certified Instructor and creates the application process.

Subdivision (a) requires CCW DOJ Certified Instructor applicants to have a valid Certificate of Eligibility (COE) issued under Penal Code section 26710 and California Code of Regulations, title 11, section 4030 et seq. This requirement ensures that the applicant has passed a background check and is eligible to possess a firearm.

Subdivision (b) requires applicants to be at least 21 years old. This requirement is the same minimum age requirement for CCW license applicants who will be trained by the instructor. (§§ 26150, subd. (a)(2), 26155, subd. (a)(2), 26170, subd. (a)(2).)

Subdivision (c) requires initial and renewal applications to be completed and submitted on the Concealed Carry Weapon Program DOJ Certified Instructor Application, Form BOF 1034 (Rev. 12/2024), which is incorporated by reference. Applicants must provide a training certificate from one of the following entities: (1) Bureau of Security and Investigative Services, Department of Consumer Affairs, State of California-Firearm Training Instructor; (2) Commission on Peace Officer Standards and Training (POST), State of California-Firearms Instructor, Rangemaster, or Concealed Carry Tactics Instructor; (3) Authorization from a State of California accredited school to teach a firearm training course; (4) California Highway Patrol (CHP) or California Department of Corrections and Rehabilitation (CDCR)-Firearms Instructor, Weapons Instructor, or Rangemaster; (5) National Rifle Association (NRA)-Law Enforcement Instructor, Basics of Personal Protection Outside the Home Instructor, or CCW Instructor. Basics of Personal Protection Outside the Home Instructors and CCW Instructors must additionally be both an NRA Certified Pistol Instructor and Personal Protection in the Home Instructor; or (6) California Rifle & Pistol Association (CRPA)- Personal Protection Outside the Home Instructor. Personal Protection Outside the Home Instructors must additionally be both a CRPA Pistol Instructor and Personal Protection in the Home Instructor.

Subdivision (c) requires the training certificate to be active or unexpired. For example, the BSIS Firearm Training Instructor certificates list expiration dates. Requiring the certificate to be active or unexpired ensures that the applicant's qualification is current.

This requirement ensures the applicant has the minimum level of skill, knowledge, and competency to teach the course required by Penal Code section 26165. Specifically, a certification from one of these entities ensures the applicant is qualified to teach firearm safety, firearm handling, shooting technique, safe storage, legal methods to transport firearms and securing firearms in vehicles, and laws governing where permit holders may carry firearms, the permissible use of a firearm, and the permissible use of lethal force in self-defense. (§ 26165, subd. (a)(2).) Subdivision (c) expands on the qualified training entities that are included in the Department's emergency regulations. Additional training entities were added in response to stakeholder feedback and applications submitted.

Subdivision (d) requires the applicant to pass a live-fire shooting qualification course within six months before submitting their application. This requirement ensures the applicant has the minimum level of skill, knowledge, and competency to teach the live-fire shooting exercises to CCW license applicants. (§ 26165, subd. (a)(6).) The live-fire qualification course must be administered by someone, other than the applicant, with a certification from one of the following training entities: (1) Bureau of Security and Investigative Services, Department of Consumer

Affairs, State of California-Firearm Training Instructor; (2) Federal Government, Certified Rangemaster or Firearm Instructor; (3) Federal Law Enforcement Training Center, Firearm Instructor Training Program or Rangemaster; (4) United States Military, Military Occupational Specialty (MOS) as marksmanship or firearms instructor; (5) Commission on Peace Officer Standards and Training (POST), State of California-Firearm Instructor, Rangemaster, or Concealed Carry Tactics Instructor; (8) Authorization from a State of California accredited school to teach a firearm training course; (9) California Highway Patrol (CHP) or California Department of Corrections and Rehabilitation (CDCR)-Firearms Instructor, Weapons Instructor, or Rangemaster; (10) National Rifle Association (NRA)-Law Enforcement Instructor, Basics of Personal Protection Outside the Home Instructor, or CCW Instructor. Basics of Personal Protection Outside the Home Instructors and CCW Instructors must additionally be both an NRA Certified Pistol Instructor and Personal Protection in the Home Instructor; or (12) California Rifle & Pistol Association (CRPA)- Personal Protection Outside the Home Instructor. Personal Protection Outside the Home Instructors must additionally be both a CRPA Pistol Instructor and Personal Protection in the Home Instructor.

This requirement prohibits applicants from self-certifying their successful completion of the live-fire shooting qualification, eliminating a conflict of interest and ensuring the shooting qualification is administered and scored by a skilled instructor other than the applicant. The Department chose six months to ensure the applicant's skills are up to date.

The application form must be signed by the applicant and the administrator of the qualification course under penalty of perjury. The necessity for a certification under penalty of perjury is to impress upon applicants and the course administrator the seriousness and importance of the information submitted on the application, to attest to the accuracy and completeness of the information submitted, and to deter misrepresentations and submission of false information. Form BOF 1034 also includes a privacy notice that conforms to Civil Code section 1798.17.

Subdivision (e) specifies that a CCW instructor's certification is valid for four years provided they maintain a valid COE. The Department chose four years because this is the maximum length of time that a CCW license can be valid. (§ 26220, subd. (d) & (e).)

#### **§ 4411. Revoking CCW DOJ Certified Instructor's Certification.**

Subdivision (a) establishes the grounds for revoking a CCW DOJ Certified Instructor's certification. The grounds for revocation stress upon instructors the importance of being truthful in their application, ensure that instructors possess the level of skill, knowledge, and competency required by Penal Code section 26165, and protect public safety.

Subdivisions (b) allows any person to notify the Department if they believe a CCW DOJ Certified Instructor's certification should be revoked. This is necessary to help the Department monitor CCW DOJ Certified Instructors. A licensing authority or trainee of the instructor will be in the best position to bring issues to the Department's attention. The reporting party should state the facts that support their claim against the instructor. This is necessary so the Department can evaluate the complaint.

Subdivision (c) requires any revocation action to be conducted before an administrative law judge with the Office of Administrative Hearings in accordance with the Administrative Procedure Act, Government Code section 11500 et seq. These hearing procedures ensure a fair process that complies with due process, and are necessary because the Department does not currently have hearing officers.

Subdivision (d) requires a CCW DOJ Certified Instructor with a revoked certification to wait one year before reapplying for certification. The same waiting period applies to Firearm Safety Certificate Instructors and dangerous weapons licensees/permittees. (Cal. Code Regs., tit. 11, §§ 4153, 4251.5.) A one-year waiting period is necessary to allow the issues that lead to the revocation to potentially resolve.

### **§ 4412. CCW DOJ Certified Instructor Qualifications and Applications for Peace Officers.**

The Department's emergency regulations allow any active or honorably retired peace officer who is certified as a Firearm Instructor by the California Commission on Peace Officer Standards and Training (POST) to provide the course of training described in Penal Code section 26165. Under the Department's emergency regulations, such officers are exempt from the application procedure described in section 4410.

The existing system does not allow the Department to track the number of CCW DOJ Certified Instructors or verify that peace officers claiming the exemption meet the requirements. Thus, proposed subdivision (a) only exempts peace officers from the live-fire shooting requirement in section 4410, subdivision (d). In lieu of this requirement, any active peace officer who is POST-certified as a Firearm Instructor, Rangemaster, or Concealed Carry Tactics Instructor may provide a POST printout showing their active or unexpired firearms live-fire qualification.

Subdivision (b) explains that reserve peace officers do not qualify for this exemption. Rather, reserve peace officers who are POST-certified must meet all standards in section 4410.

The application process is less burdensome than the standard application process in section 4410 because active POST-certified peace officers have significant and frequent training and firearms experience that ensures they have the minimum level of skill, knowledge, and competency to teach the course required by Penal Code section 26165. POST requires a minimum of 24 hours of tactical firearms training to become a peace officer, and then a minimum of 4 hours of training every 24 months for requalification requirements. (Cal. Code Regs., tit. 11, § 1005.)

## **Article 3. Background Checks**

### **§ 4420. Submission of Fingerprints.**

Initial CCW license applicants must submit their fingerprints for a background check. (§ 26185, subd. (a).) Starting September 1, 2026, fingerprints will also be sent to the Department for renewal applicants. (§ 26185, subd. (b)(2).) Subdivision (a) establishes the process for providing an applicant's fingerprints to the Department. Fingerprints shall be captured and

transmitted electronically by an authorized Live Scan operator who is trained to obtain fingerprint impressions.

Subdivision (b) requires the CCW license applicant to complete the Request For Live Scan Service form with their personal information and take the form to a Live Scan operator. Variations of this form are used by Live Scan operators, who take fingerprints for a variety of purposes and submit them to the Department.

Certain victims and judicial officials are not required to provide their residence address in their CCW license application. (§ 26175, subd. (c)(2) & (3).) Instead, they may provide an alternative address, which will be listed on any license issued. (§ 26175, subds. (c)(2) & (3), (i)(2) & (3).) Subdivision (b)(1) and (2) allow these applicants to provide the same alternative address on their Request For Live Scan Service form. This option is necessary to protect their privacy.

Subdivision (b)(3) allows an applicant for a license issued under Penal Code section 26170 to provide their post office box or the address of the issuing license authority in lieu of a home address. This option is necessary to protect their privacy.

#### **§ 4421. Initial and Renewal Applicant Background Checks to Determine if Applicant Is Prohibited.**

The Department conducts background checks to determine if CCW license applicants are prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm. Subdivision (a) explains that for initial applicants, the Department shall examine its records and the National Instant Criminal Background Check System (NICS) to determine the CCW license applicant's eligibility under state and federal law to possess, receive, own, or purchase a firearm. This is the same process for the Department's fingerprint-based background checks for Certificates of Eligibility. (§ 26710.)

Subdivision (b) explains that for renewal applications submitted to the Department prior to September 1, 2026, the Department shall review the Prohibited Armed Persons File and the NICS to determine the CCW license applicant's eligibility under state and federal law to possess, receive, own, or purchase a firearm. If the applicant does not match an entry in the Prohibited Armed Persons File, the Department shall examine its records to determine the CCW license applicant's eligibility under state and federal law to possess, receive, own, or purchase a firearm. This process allows for a quicker processing of renewal applications.

Renewal applicants must submit fingerprints starting September 1, 2026. (§ 26185, subd. (b)(2).) Subdivision (c) explains that for renewal applications submitted to the Department on or after September 1, 2026, the background check process will mirror the process for initial applicants. This will ensure the process is consistent with initial applications, for which background checks are also fingerprint-based.



#### **§ 4422. Background Checks Following Denials or Revocations Reversed by Court Order.**

Once an application is submitted, the licensing authority conducts an investigation to determine whether the applicant is a disqualified person under Penal Code section 26202. For example, a person who has been convicted of contempt of court under Penal Code section 166 is deemed to be a disqualified person. (§ 26202, subd. (a)(2).) If the licensing authority makes an initial determination that, based on its investigation thus far, the applicant is not a disqualified person, the licensing authority shall then submit the applicant's fingerprints or the renewal notification to the Department in accordance with Penal Code section 26185. (§ 26202, subd. (d)(1).) Thus, the disqualified person determination usually occurs before the Department has conducted any background check.

The applicant or licensee may appeal this disqualified person determination. (§ 26206.) If the court finds that a *new* or *renewal* applicant is not disqualified, the licensing authority must submit the applicant's fingerprints or the renewal notification to the Department. The Department must then confirm the applicant's eligibility to possess, receive, own, or purchase a firearm by conducting a background check in a manner prescribed by regulations. (§ 26206, subd. (f)(1).)

Subdivision (a) incorporates the background check process in section 4421, subdivision (a), for initial applicants, and the background check process in section 4421, subdivision (b), following CCW license denials reversed by court order. This is necessary so that the Department can determine the applicant's eligibility to possess, receive, own, or purchase a firearm. The Department shall notify the licensing authority of the results of the background check no later than 60 days from receipt of the applicant's fingerprints or the renewal notification. This provides a reasonable amount of time for the Department to complete the background check.

Subdivision (b) lists additional requirements for the background checks when fingerprints are submitted to the Department. These requirements mirror the statutory requirements for initial applicant background checks and background checks for renewal applications submitted on or after September 1, 2026. (§ 26185, subd. (a)(1)-(3), (b)(2), & (c)(3).) Not all of the initial and renewal applicants who are found to be qualified by the court will have undergone the background check required by Penal Code section 26185. The Department must therefore complete this necessary background check for these applicants to ensure they are eligible to possess, receive, own, or purchase a firearm.

If the court reinstates a *revoked* license, the court must send its order to the Department. The license is reinstated so long as the Department confirms the applicant's eligibility to possess, receive, own, or purchase a firearm in a manner prescribed through regulation. (§ 26206, subd. (f)(2).)

Subdivision (c) explains that for CCW license revocations reversed by court order, the Department shall review the Prohibited Armed Persons File and the National Instant Criminal Background Check System (NICS) to determine the CCW license holder's eligibility under state and federal law to possess, receive, own, or purchase a firearm. If the person does not match an entry in the Prohibited Armed Persons File, the Department shall examine its records to

determine the CCW license applicant's eligibility under state and federal law to possess, receive, own, or purchase a firearm. This process allows for a quicker completion of background checks for licensees whose CCW license was reinstated pursuant to a court order. The Department shall notify the licensing authority of the results of the background check no later than 30 days from receipt of the court's order. This provides a reasonable amount of time for the Department to complete the background check.

Court orders shall be mailed to the Department. (§ 26206, subd. (f)(1) & (2).) Subdivision (d) provides the Department's mailing address to ensure timely receipt.

#### **Article 4. Licensing Authority Duties.**

##### **§ 4430. Delay Submitting No Longer Interested Notifications When Applicant Is Disqualified Person.**

To ensure continued licensee eligibility, licensing authorities must request notification of a licensee's subsequent state or federal arrests or criminal dispositions (subsequent arrest notifications), as set forth in Penal Code section 11105.2, from the Department. (§ 11105, subd. (u)(4).) A licensing authority is required to notify the Department when the licensee's CCW license is revoked or denied so that the Department can terminate the subsequent arrest notifications. (§ 11105.2, subd. (d) & (f).)

Subdivision (a) prohibits licensing authorities from requesting that the Department terminate this subsequent arrest notification when a CCW license is denied or revoked based on a determination that the applicant is a disqualified person prior to the deadline for the licensee to request a hearing pursuant to Penal Code section 26206, subdivision (c). Subdivision (b) prohibits licensing authorities from requesting that the Department terminate this subsequent arrest notification prior to the court's decision in the case, if a hearing is requested timely. Subdivision (c) prohibits licensing authorities from requesting that the Department terminate this subsequent arrest notification if the applicant's appeal is successful.

Section 4430 ensures that the licensing authority will continue to receive the subsequent arrest notifications after denying or revoking a license based on a determination that the applicant is a disqualified person until the deadline to challenge the denial or revocation has passed or a court has issued a final decision. This is necessary because the applicant's appeal may be successful, but they may have been arrested for a criminal act in the interim affecting their eligibility to possess a firearm. If the subsequent arrest notifications were terminated prior to the court's ruling, the applicant would have to be fingerprinted again by a Live Scan operator, incurring the additional fingerprint fee, if the disqualified person determination is reversed at the hearing. In addition, the Department would be unable to provide the applicant's criminal history report to the court, as required by Penal Code section 26206, subdivision (d)(1), if the subsequent arrest notifications were terminated.

### **§ 4431. Reviewing the Automated Firearms System.**

Section 4431 explains how a licensing authority can determine if a CCW license applicant is the recorded owner of a firearm that is the subject of the CCW license application. Licensing authorities must review “the designated Department of Justice system” to determine if the applicant is the recorded owner of the particular firearm reported in the application for a CCW license or the application for the amendment to a license. (§ 26162.) Subdivision (a) explains that the Automated Firearms System (AFS) is the system used for this purpose. This is necessary to clarify what system is used to verify that the applicant is the recorded owner of the firearm.

Subdivision (b) explains that the serial number of the firearm and the CCW license applicant’s name, date of birth, and identification number must match an entry in certain AFS records. Matching the owner and firearm information ensures that a CCW license will not be issued for an unregistered or illegal firearm.

### **§ 4432. Notifications, Records, and Annual Survey.**

Licensing authorities must provide the following records to the Department in a manner prescribed by the Attorney General: (1) the denial of a license; (2) the denial of an amendment to a license; (3) the issuance of a license; (4) the amendment of a license; and (5) the revocation of a license. (§ 26225, subd. (b).)

Although Penal Code section 26225, subdivision (b), requires these records to be provided to the Department “immediately,” “immediately” is not defined. Subdivision (a) requires licensing authorities to provide the records no later than 15 days after the denial, denial of an amendment, issuance, amendment, or revocation of a CCW license. This provides a reasonable amount of time for the licensing authorities to provide the records, but also ensures that the Department receives the information timely so it can update its records.

Subdivision (b) requires the licensing authority to report the denial or revocation of a CCW license on the License to Carry Concealed Pistol, Revolver, or Other Firearm Notification of Denial or Revocation, Form BOF 1032 (Rev. 12/2024), which is incorporated by reference. Requiring the use of the prescribed form is the easiest way to ensure that the licensing authority provides all required information.

Form BOF 1032 requires the licensing authority to provide information identifying the agency and a contact person. This is necessary so that the Department can contact the agency if additional information is required. The licensing authority will also provide information identifying the license that is denied or revoked, and the reason for denying or revoking the license. This is necessary so that the Department can update its records.

The licensing authority will report whether a request to terminate subsequent arrest notifications was submitted. Form BOF 1032 reminds licensing authorities that when a license is denied or revoked based on a determination that the licensee is a disqualified person, the agency must delay submitting requests to terminate subsequent arrest notifications as set forth in section 4430.

This is necessary to ensure the licensing authority complies with Penal Code section 11105.2 and the regulations.

Licensing authorities must submit the completed Form BOF 1032 to the Department by email. This ensures the form is timely received. It is also the least burdensome way for licensing authorities to submit the form.

Subdivisions (c) and (e) require the licensing authority to report the amendment of a CCW license or the denial of an amendment to a CCW license on the License to Carry Concealed Pistol, Revolver, or Other Firearm Amendment, Form BOF 4502. Form BOF 4502 is exempt from the requirements of the Administrative Procedure Act. (§ 26175, subd. (h).) After the applicant completes Form BOF 4502, the licensing authority will check a box indicating whether the application to amend was approved or denied, and then mail a copy of the form (with amended license, if applicable) to the Department.

Subdivision (d) requires the licensing authority to mail copies of all issued CCW licenses to the Department. This is necessary for the Department to have a record of all issued licenses, as required by Penal Code sections 11106, subdivision (a)(1)(B), and 26225, subdivision (b)(3) and (4).

Penal Code section 26225, subdivision (c), requires the licensing authority to provide an annual report to the Department. The Reserve/Auxiliary Peace Officer and Judicial Carry Concealed Weapon (CCW) License Annual Survey, Form BOF 1027 (Rev. 12/2024), was developed for this purpose. This form is incorporated by reference into subdivision (f). Requiring the use of the prescribed form is the easiest way to ensure that the licensing authority provides all required information.

## **Article 5. Signs Allowing Firearms on the Property.**

### **§ 4440. Signs Allowing Firearms on Private Property.**

A person granted a CCW license may only carry a firearm into a place of worship or a privately owned commercial establishment if the operator posts a sign indicating that license holders are permitted to carry firearms on the property. (§ 26230, subd. (a)(22) & (26).)<sup>3</sup> Signs shall be of a uniform design as prescribed by the Department and shall be at least four inches by six inches in size. (*Ibid.*)

Subdivision (a) prescribes two language options for the sign indicating concealed carry is allowed. The first option clearly indicates that all lawful concealed carry is allowed. The second option clearly indicates that no lawful concealed carry is allowed without written permission. The owner/operator may select either option.

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<sup>3</sup> As explained above, Penal Code section 26230, subdivision (a)(22) and (26), is currently enjoined as a result of the district court's order in *May v. Bonta* (C.D. Cal. 2023) 709 F.Supp.3d 940, 946, *aff'd in part, rev'd in part sub nom.* (*Wolford v. Lopez* (9th Cir., Sept. 6, 2024, No. 23-16164) 2024 WL 4097462.)

Subdivision (b) prescribes two language options for the sign indicating open carry is allowed. The first option clearly indicates that all lawful open carry is allowed. The second option clearly indicates that no lawful open carry is allowed without written permission. The owner/operator may select either option.

Subdivision (c) prescribes the design standards for the sign. These standards ensure that the sign is noticeable and easy to read.

### **ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

The Department concludes:

(1) It is unlikely that the proposal would create or eliminate jobs within the state because the Department estimates that the majority of CCW instructor applicants already had one of the necessary certificates (as there is significant overlap between Penal Code section 31635 training entities and California Code of Regulations, title 11, section 4410 training entities).

(2) It is unlikely that the proposal would create new businesses or eliminate existing businesses within the state because the Department estimates that the majority of CCW instructor applicants already had one of the necessary certificates (as there is significant overlap between Penal Code section 31635 training entities and California Code of Regulations, title 11, section 4410 training entities).

(3) It is unlikely that the proposal would result in the expansion of businesses currently doing business within the state because the Department estimates that the majority of CCW instructor applicants already had one of the necessary certificates (as there is significant overlap between Penal Code section 31635 training entities and California Code of Regulations, title 11, section 4410 training entities).

The Department also concludes that:

(1) The proposal would benefit the health and welfare of California residents by implementing a licensing scheme that prevents persons who are prohibited from owning or possessing a firearm from obtaining CCW licenses. The regulations also ensure that CCW instructors have the minimum level of skill, knowledge, and competency to teach the course required by Penal Code section 26165.

(2) The proposal would not benefit worker safety because it does not regulate worker safety standards.

(3) The proposal would not benefit the state's environment because it does not change any applicable environmental standards.

**TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR SIMILAR DOCUMENTS RELIED UPON**

The Department relied on written public comments from the following stakeholders:

1. Retired peace officer and current CCW instructor (Dec. 15, 2023, 12:02 p.m.)
2. Army infantry combat veteran and current NRA Training Counselor (Dec. 15, 2023, 2:39 p.m.)
3. CDCR Rangemaster (Dec. 14, 2023, 11:08 a.m.)
4. CHP Firearms Instructor (Dec. 20, 2023, 8:18 a.m.)
5. California resident (Dec. 8, 2023)
6. CDCR Rangemaster (Dec. 27, 2023, 7:23 p.m.)
7. Michel & Associates, P.C., on behalf of the California Rifle & Pistol Association (April 8, 2024)

**EVIDENCE SUPPORTING DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

The Department has made an initial determination that the proposed action would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department estimates that the majority of CCW instructor applicants already had one of the necessary certificates (as there is significant overlap between Penal Code section 31635 training entities and California Code of Regulations, title 11, section 4410 training entities). Instructor applicants that were not already certified by an authorized entity would have to pay for and pass the course in order to continue teaching CCW license applicants. The average cost to obtain a training certificate is \$350.

**REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

While the Department considered allowing CCW instructors to be certified pursuant to Penal Code section 31635 (i.e., the same manner and requirements as Firearm Safety Certificate (FSC) instructors), the Department rejected this alternative because FSC instructors do not have the minimum level of skill, knowledge, and competency to teach the course required by Penal Code section 26165, subdivision (a)(2) and (6).

**REASONABLE ALTERNATIVES TO THE PROPOSED ACTION AND THE AGENCY'S REASON FOR REJECTING THOSE ALTERNATIVES**

The Department has determined that the proposed regulation is the most effective and least burdensome way for the Department to certify CCW instructors. While the Department considered allowing CCW instructors to be certified pursuant to Penal Code section 31635 (i.e., the same manner and requirements as Firearm Safety Certificate (FSC) instructors), the Department rejected this alternative because FSC instructors do not have the minimum level

of skill, knowledge, and competency to teach the course required by Penal Code section 26165, subdivision (a)(2) and (6).

The Department's original emergency regulations required applicants to provide a training certificate from one of the following programs: (1) Bureau of Security and Investigative Services (BSIS), Department of Consumer Affairs, State of California-Firearm Training Instructor; (2) Commission on Peace Officer Standards and Training (POST), State of California-Firearms Instructor or Rangemaster; or (3) Authorization from a State of California accredited school to teach a firearm training course.

The Department received approximately 2,000 public comments, most of which argued that the training options for becoming a DOJ Certified Instructor were too restrictive and would lead to a shortage of qualified instructors.

The Department decided to expand the qualifications to include other recommended training entities, which increased the number of qualified CCW instructors. Stakeholders did not raise any concerns about the cost of obtaining the proposed training certificates.

**Performance Standard as Alternative:**

The proposed regulations do not mandate the use of specific technologies or equipment. Applying to be a CCW DOJ Certified Instructor is voluntary. However, people that wish to be CCW instructors must comply with the procedures created by these regulations.

The regulations also require licensing authorities to report the information required by Penal Code section 26225, subdivision (b), on prescribed forms. Requiring the use of the prescribed forms is the easiest way to ensure that the licensing authority provides all required information.