

## **M e m o r a n d u m**

To : California Penal Code Section 26175(a)(2) Committee Members

From : Attorney General's Office

Subject : Agenda Item No. 2 for Committee Meeting on December 21, 2023

The California Penal Code section 26175(a)(2) Committee (Committee) is meeting on December 21, 2023, to discuss and possibly take action regarding revisions to the Standard Initial and Renewal Application for License to Carry a Weapon Capable of Being Concealed (BOF 4012).

Staff presents the following attachment for consideration by the Committee in connection with Agenda Item No. 2. It includes (1) the standard application form currently in use, most recently revised in August 2022 (current form), and (2) a revised standard application form that takes into account the statutory changes made by Senate Bill 2 (SB 2) (revised form). Staff recommends the Committee approve and adopt the revised form for use beginning on January 1, 2024. For the Committee's reference, also attached is the Firearms Prohibiting Categories document that would be enclosed with, but is separate from, the revised form.

The edits in the revised form include the following:

- Substantial edits on page 1 of the current form to the language beneath the headings, "Authority" and "Who Shall Be Issued a CCW License," to account for SB 2's changes to Penal Code sections 26150, 26155, and 26170.
- Additional edits on page 1 of the current form to the language beneath the heading, "Who Shall Be Issued a CCW License," to clarify that a list of prohibited categories for firearm possession, which is updated periodically, is provided for informational purposes only and is not part of the standard application form, but is a separate enclosure.
- Beneath the language following the heading, "Who Shall Be Issued a CCW License," the addition of the heading, "Disqualified Persons Who Cannot Receive or Renew a CCW License," and the language beneath the heading, which tracks the language from the new Penal Code section 26202.
- Edits on page 1 of the current form to the language under the heading, "Training Required," to track the requirements of the amended Penal Code section 26165.
- Edits on page 1 of the current form to the language under the heading, "Psychological Testing," to track the requirements of the amended Penal Code section 26190.

- Substantial edits on page 2 of the current form to the language beneath the heading, “Completing the Application,” to account for SB 2’s changes to statutes relevant to completing the application, such as Penal Code sections 26160, 26175, and 26202.
- Edits on page 2 of the current form to the language under the heading, “Important Instructions,” to track the requirements from the new Penal Code section 26202.
- Edits on page 3 of the current form to the box labeled, “Official Use Only, Type of License Requested,” to reflect the different types of licenses.
- On page 3 of the current form, deletion of the “Public Disclosure Admonition” immediately preceding Section 1 because it is duplicative of Section 8.
- On pages 3 and 4 of the current form, in Sections 1 and 2, the addition of personal information spaces to complete and questions to answer that were in Section 7 on pages 10 and 11 of the current form because the current form’s Section 7 was deleted.
- Editing of existing questions in, and adding of questions to, Section 2 to ensure information required under the new Penal Code section 26202 is collected.
- Adding a new Section 3 to request character references, consistent with the new Penal Code section 26202, subdivision (b)(2).
- Renumbering Section 3 in the current form to Section 4; editing the language in the section to account for SB 2’s changes to Penal Code sections 26150, 26155, and 26170; and the addition of spaces to list firearms an applicant desires to carry if granted a license.
- Renumbering Section 4 in the current form to Section 5 and editing the language in the section to track the requirements of the amended Penal Code section 26200.
- Renumbering Section 5 in the current form to Section 6, editing the section title to “Applicable California Penal Code Sections to CCW Licensees,” editing the language describing the section’s purpose, updating the language in the statutes included in the section to reflect recent amendments to those statutes, deleting Penal Code section 199 from the list of included statutes, and adding Penal Code sections 626.9 and 26230 to the list of included statutes.
- Renumbering Section 6 in the current form to Section 7 and edits to the language within the section (e.g., changing “agency that issued the license” to “licensing authority”; adding “CCW” before “license”; and changing “attached to this application” to “enclosed with this application”).
- Deleting Section 7 in the current form, as previously stated.
- In Section 8 of the current form, changing “agency” to “licensing authority” and updating the cited Government Code section for the Public Records Act.