

<p>California Department of Justice DIVISION OF LAW ENFORCEMENT Stephen Woolery, Chief</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i></p> <p>Guidance to CCW Licensing Authorities Regarding Relevant Laws Amended Under AB 1078</p>	<p><i>No.</i></p> <p>2026-DLE-03</p>	<p><i>Contact for information:</i></p> <p>Bureau of Firearms (916) 210-2751 CCWInfo@doj.ca.gov</p>
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TO: ALL CALIFORNIA CRIMINAL JUSTICE AND LAW ENFORCEMENT AGENCIES

This bulletin advises Law Enforcement Agencies (licensing authorities) issuing carry concealed weapons (CCW) licenses of the requirements of Assembly Bill (AB) 1078 (Stat. 2025, Ch. 570), which took effect January 1, 2026, and amends various laws relevant to the CCW license application process and implements a process for non-residents to apply for CCW licenses in California.

This bulletin is not legal advice. Rather, it is based on AB 1078 and the relevant statutes and regulations as of the date of this bulletin. This bulletin supplements, not supplants, the bill and relevant statutes and regulations. Licensing authorities should consult with their legal counsel when formulating policies, practices, and addressing any questions regarding the issues covered in this bulletin.

Statutory Requirements for Non-residents to Apply for CCW Licenses

As of January 1, 2026, people who do not reside in California (i.e., non-residents) who wish to apply for a CCW in California can do so as outlined in AB 1078; specifically, the requirements outlined in the new subdivision (b) of Penal Code sections 26150 and 26155. Pursuant to these new requirements, a licensing authority shall issue a CCW to a non-resident that meets the following requirements:

- Applicant must comply with Penal Code section 26185 and California Code of Regulations, title 11, section 4420. Meaning, “fingerprints shall be captured and transmitted electronically by an authorized Live Scan operator.” (Cal. Code Regs., tit. 11, § 4420.) The applicant must complete a BCIA 8016, REQUEST FOR LIVE SCAN SERVICE form and take the completed form to a live scan operator in California to initiate the background check process;
- The California Department of Justice (Department) confirms the applicant’s eligibility to possess, receive, own, or purchase a firearm upon receipt of the fingerprints of an applicant;
- Applicant is not a disqualified person as set forth in Penal Code section 26202 and all comparable statutes and provisions of law of the non-resident applicant’s state of residence (note that for non-residents, the interview requirement at section 26202, subdivision (b)(1) may be satisfied by an in-person interview or by a virtual interview where the applicant appears by video and audio);

- Applicant is at least 21 years of age and presents clear evidence (e.g., a valid driver's license from their state of residence or valid out-of-state identification card issued by the Department of Motor Vehicles) of the non-resident's identity, age, and state of residence;
- 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;
- Applicant has completed a course of training that meets the criteria set forth in Penal Code section 26165, subdivision (a)(1)-(5) and subdivision (d), 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 CCW licenses;
- Applicant has completed live-fire shooting exercises as required by Penal Code section 26165, subdivision (a)(6) for each firearm for which the applicant seeks to have listed on their CCW license. 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; and
- Applicant has identified on the application the make, model, caliber, and serial number of each firearm for which the applicant seeks to have listed on their CCW license. Note that identification of a firearm that cannot lawfully be carried or possessed in California shall be cause for denial of a license as to that firearm.

Furthermore, pursuant to Penal Code section 26190, subdivision (e) and section 26202, subdivision (a)(1), if a psychological assessment is required for a non-resident's initial CCW application, the licensing authority may allow the applicant to either 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.

Updated Nonresident Standard Initial and Renewal Application for License to Carry a Weapon Capable of Being Concealed Supplemental Form (BOF AB) - Rev. 01/2026

Due to the attestation requirement for non-California residents pursuant to Penal Code sections 26150, subdivision (b)(3) and 26155, subdivision (b)(3), the Department has updated the BOF 4013 (Rev. 01/2026) to allow non-resident CCW applicants to attest that the jurisdiction in which they have submitted a CCW application is the primary location in California that they intend to travel or spend time.

The updated BOF 4013 can be accessed on the Department's website at oag.ca.gov/firearms/forms or on the California Law Enforcement Web (CLEW) at clew.doj.ca.gov/firearms.

Changes Relevant to the Penal Code Section 26202 Disqualified Person Determination

AB 1078 made several amendments to Penal Code section 26202, which are summarized below but licensing authorities should review the statutory text carefully for purposes of conducting the disqualified person investigation described in section 26202.

- AB 1078 added additional criteria that would deem a CCW applicant as a disqualified person under Penal Code section 26202, such as the following:
 - Applicant has been convicted of contempt of court under any federal law or law of any other state that includes comparable elements of contempt of court under Section 166.
 - Applicant has been subject to any restraining orders, protective orders, or other type of court order issued pursuant to federal law or law of any other state that includes comparable elements to the relevant provisions in California law. However, an order that expired or was vacated or otherwise canceled and the applicant did not receive notice and an opportunity to be heard before the order was issued is not a basis to be considered a disqualified person.
 - Applicant has been convicted of any federal law or law of any other state that includes comparable elements of an offense listed in Penal Code sections 422.6, 422.7, 422.75, or 29805 in the 10 years prior to the licensing authority receiving the completed application for a new license or a license renewal.
 - Applicant has been charged with any federal law or law of any other state that includes comparable elements of Penal Code sections 290, 667.5, 1192.7, 1192.8, or 29805 that was dismissed pursuant to a plea or dismissed with a waiver pursuant to *People v. Harvey* (1979) 25 Cal.3d 754 in the 10 years prior to the licensing authority receiving the completed application for a new license or a license renewal.
 - An applicant is “an unlawful user of or addicted to any controlled substance,” as described in United States Code, title 18, section 922, subdivision (g)(3) and applicable regulations and guidance.
 - An applicable regulation that can assist with this determination is at Code of Federal Regulations, title 27, section 478.11.
 - Guidance that can assist with this determination can be found in the interim final rule published by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), available here: www.federalregister.gov/documents/2026/01/22/2026-01141/revising-definition-of-unlawful-user-of-or-addicted-to-controlled-substance. Please see page 5 in the next section for more information about this interim final rule that was released by the ATF on January 22, 2026, and took effect the same day.
 - Note that an initial determination that an applicant is not a disqualified person, as described in Penal Code section 26202, subdivision (d)(1)(A), must include a final determination as to whether the applicant is or is not a disqualified person on this basis (Pen. Code, § 26202, subd. (d)(1)(B)).
- AB 1078 added a definition of “abusing” for purposes of the disqualified person basis described at Penal Code section 26202, subdivision (a)(9).

Requirement for Licensing Authorities to Submit Penal Code Section 26202(a)(8) Disqualified Person Information to the National Instant Criminal Background Check System (NICS) Index

As previously described under AB 1078, an applicant who is determined to be “an unlawful user of or addicted to any controlled substance,” as described in United States Code, title 18, section 922, subdivision (g)(3) and applicable regulations and guidance, is considered a disqualified person and cannot receive a CCW.

Under Penal Code section 26202, subdivision (f), upon determining a CCW applicant is a disqualified person pursuant to Penal Code section 26202, subdivision (a)(8), the licensing authority shall, within five days, submit to the National Instant Criminal Background Check System (NICS) Index the full name, date of birth, physical description of the applicant (e.g., sex, height, weight, and eye and hair color) reflecting that the applicant meets the criteria of 18 U.S.C. § 922(g)(3) and the regulations issued pursuant thereto. Although the requirement is for licensing authorities to submit the identity of the applicant directly to the NICS Index, licensing authorities must satisfy this requirement by completing the updated License to Carry Concealed Pistol, Revolver, or Other Firearm – Notification of Denial or Revocation (BOF 1032) form (Rev. 03/2026), providing supporting documentation, and submitting it to the California Department of Justice, Bureau of Firearms within five days of determining a CCW applicant/licensee is a disqualified person.

Licensing authorities should complete **all fields** on the BOF 1032 and ensure all personal identifying information for the applicant is provided and select “Denial” or “Revocation” and select the reason as “Disqualified Person (PC § 26202(a)(8))”. For the Department to report the identity of the applicant to the NICS Index, licensing authorities must provide the following personal identifying information on the BOF 1032:

- Last, first, and middle name
- Date of birth
- Sex
- Driver’s license or identification number

The following descriptors may be reported if available:

- Height
- Weight
- Eye color
- Hair color

As required under Penal Code section 26202, subdivision (f), the supporting documentation shall validate any identifying information provided about the applicant and the licensing authority’s determination. The supporting documentation required should “include proof of an arrest or a conviction, results of a test administered on the applicant or substance, or documentation of the admission of use, as applicable, as well as the date of any such arrest, conviction, test, or admission.” (Pen. Code, § 26202, subd. (f).)

Upon receipt of the BOF 1032 with supporting documentation, the Department will report the identity of the individual and supporting documentation to the NICS Index on behalf of licensing authorities. Please note that the Department will not review the accuracy of the licensing authority’s determination that the applicant meets the criteria of 18 U.S.C. § 922(g)(3) and the regulations issued pursuant thereto; rather, the

Department's entry of the information into the NICS Index will be ministerial. Licensing authorities are responsible for the entry in the NICS Index; therefore, the Department will notate the name of the licensing authority on the entry. Unless the licensing authority's document retention policies provide for a longer period, the licensing authority shall retain any such supporting documentation for 12 months from the date of submission. (Pen. Code, § 26202, subd. (f).)

The updated BOF 1032 can be accessed on CLEW at clew.doj.ca.gov/firearms.

Please note that on January 22, 2026, the ATF published an interim final rule that revises (effective immediately) the regulatory definition of "an unlawful user of or addicted to any controlled substance," as that phrase is used in United States Code, title 18, section 922, subdivision (g)(3). A copy of the interim final rule is available here: www.federalregister.gov/documents/2026/01/22/2026-01141/revising-definition-of-unlawful-user-of-or-addicted-to-controlled-substance. The revised definition of "unlawful user of or addicted to any controlled substance" at Code of Federal Regulations, title 27, section 478.11 now reads as follows:

Unlawful user of or addicted to any controlled substance.

(1) A person who uses a controlled substance and demonstrates a pattern of compulsively using the controlled substance, characterized by impaired control over use, is addicted to a controlled substance.

(2) A person who regularly uses a controlled substance over an extended period of time continuing into the present, without a lawful prescription or in a manner substantially different from that prescribed by a licensed physician, is an unlawful user of a controlled substance.

(i) Such unlawful use is not limited to using a controlled substance on a particular day, or within a matter of days before shipping, transporting, possessing, or receiving a firearm. Rather, unlawful use requires evidence that the person has unlawfully used the substance with sufficient regularity and recency to indicate that the individual is actively engaged in such conduct. A person may be an unlawful current user of a controlled substance even though the substance is not being used at the precise time the person seeks to acquire, ship, transport, receive, or possess the firearm.

(ii) A person is not an unlawful user of a controlled substance if the person has ceased regularly unlawfully using the substance, or if the person's unlawful use is isolated or sporadic or does not otherwise demonstrate a pattern of ongoing use. A person is also not an unlawful user if the person, while using a lawfully prescribed controlled substance, deviates slightly or immaterially from the instructions of the prescribing physician.

Licensing authorities should consult with their legal counsel on how to apply this new regulatory definition in determining whether a CCW applicant is a disqualified person pursuant to Penal Code section 26202, subdivision (a)(8). Neither ATF nor NICS has provided guidance to the Department on how to apply this new regulatory definition.

Changes Relevant to the Denial or Revocation of CCW Licenses

AB 1078 made several amendments to Penal Code section 26195, which are summarized below but licensing authorities should review the statutory text carefully for the purpose of knowing the basis for denial or revocation of a CCW license.

- A CCW license shall not be issued by the licensing authority if any of the following occurs:
 - The Department notifies the licensing authority that the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.
 - 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.
 - The applicant fails to inform the licensing authority that issued the license of any restraining order, arrest, charge, or conviction of a crime referenced in Penal Code section 26202.
- A CCW license shall be revoked by the licensing authority if at any time the licensing authority determines any of the following:
 - The licensee has breached any of the conditions or restrictions set forth in or imposed in accordance with Penal Code section 26200.
 - The licensee knowingly provided any inaccurate or incomplete information in connection with an application for a new license or license renewal or an application to amend a license.
 - The licensee has become a disqualified person, as determined in accordance with the standards set forth in Penal Code section 26202.
 - The licensee failed to inform the licensing authority that issued the license of any restraining order, arrest, charge, or conviction of a crime referenced in Penal Code section 26202.

Change Relevant to Subsequent Notification Service

If a CCW license holder fails to submit a renewal application within 90 days of the expiration of their license, the licensing authority shall immediately request that the Department terminate state or federal subsequent notification pursuant to subdivision (d) of Section 11105.2. (Pen. Code, § 26225, subd. (e).)

Requirement for Licensing Authorities to Provide Notice to Applicant Under Penal Code Section 26205

AB 1078 amended Penal Code section 26205 to specify the notification requirements for an application for a license renewal depending on when the application was submitted to the licensing authority. For each application for license renewal submitted prior to September 1, 2026, the licensing authority shall give written notice indicating if the CCW license is approved or denied within 120 days of receiving the completed application for a license renewal. (Pen. Code § 26205, subd. (a)(2)).

For each application for a license renewal submitted on or after September 1, 2026, the licensing authority shall give this written notice within 120 days of receiving the completed application for a license renewal, or 30 days after receipt of the firearms eligibility check information from the Department. (Pen. Code § 26205, subd. (a)(3)).