


<div>California Department of Justice DIVISION OF LAW ENFORCEMENT Stephen Woolery, Chief</div> <div></div>	<div><b>INFORMATION BULLETIN</b></div>
<div>Subject:  <b>California's Firearm Open Carry Laws Currently Remain in Effect</b></div>	
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**TO: ALL CALIFORNIA CRIMINAL JUSTICE AND LAW ENFORCEMENT AGENCIES**

On January 2, 2026, a three-judge panel of the Ninth Circuit Court of Appeals issued an opinion in *Baird v. Bonta*, Case No. 24-565, holding that certain California laws that restrict openly carrying loaded or unloaded firearms in public without a license in densely populated counties violate the Second Amendment.

However, the Ninth Circuit's opinion in this case has not yet taken effect. Under Federal Rule of Appellate Procedure 41, the Ninth Circuit's opinion will not take effect in this case until the Court issues the "mandate," which typically occurs no earlier than 21 days after publication of the decision. *See, e.g., Carver v. Lehman*, 558 F.3d 869, 878 (9th Cir. 2009) ("No opinion of this circuit becomes final until the mandate issues[.]").

Here, before the mandate issues and the opinion takes effect, there are a number of procedural steps that must take place. Attorney General Rob Bonta will be filing on or before January 16 a petition asking the full Ninth Circuit to vacate the opinion and grant en banc rehearing. *See generally* Fed. R. App. P. 40(c). The mandate will not issue until after the Ninth Circuit decides whether to grant or deny the petition for rehearing en banc. If the Ninth Circuit grants the petition, the mandate will not be issued until after the Ninth Circuit hears and decides the case en banc. If the Ninth Circuit denies the petition, the mandate will issue 7 days after that denial. Even if the Attorney General's petition is denied, the Ninth Circuit must still issue its mandate, which would render the decision final and transfer jurisdiction back to the district court for entry of judgment. None of those procedural steps has occurred.

**Accordingly, California's restrictions on the open carrying of firearms and issuance of open-carry licenses remain in effect and should continue to be followed by law enforcement agencies and prosecutorial agencies at this time until further action by the court.**