

**CALIFORNIA DEPARTMENT OF JUSTICE**  
**TITLE 11. LAW**  
**DIVISION 5. FIREARMS REGULATIONS**  
**CHAPTER 14. CARRY CONCEALED WEAPONS LICENSES**

**NOTICE OF PROPOSED RULEMAKING**

Notice published January 3, 2025

The California Department of Justice (Department) proposes to adopt sections 4400, 4401, 4402, 4410, 4411, 4412, 4420, 4421, 4422, 4430, 4431, 4432, and 4440 of title 11, division 5, chapter 14 of the California Code of Regulations regarding carry concealed weapons (CCW) licenses.

**PUBLIC HEARING**

The Department has not scheduled a public hearing on this proposed regulatory action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the written comment period.

**WRITTEN COMMENT PERIOD**

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on February 19, 2025 at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Q. Farris  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816  
(916) 210-2372  
[bofregulations@doj.ca.gov](mailto:bofregulations@doj.ca.gov)

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

**AUTHORITY AND REFERENCE**

Authority: Sections 26165, 26175, 26185, 26206, 26225 and 26230, Penal Code.  
Reference: Sections 11106, 26150, 26155, 26162, 26165, 26170, 26175, 26185, 26206 and 26230, Penal Code.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

### **Summary of Existing Laws and Regulations:**

California law requires a person who desires to carry a concealed weapon in public to obtain a CCW license. This license may be issued by a sheriff of a county, or the police chief or other head of a municipal police department of any county or city. (Pen. Code, §§ 26150, 26155, 26170.)<sup>1</sup>

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 CCW 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 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. (§ 26202.) 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.) SB 2 additionally amended other requirements in sections 26150, 26155, and 26170 to obtain a CCW license, including the minimum age, training requirements, and ownership status of the weapons listed on the CCW license. (§§ 26150, 26155, 26165, 26170, 26175.)

The Legislature authorized the Department to promulgate emergency regulations to implement SB 2. (§ 26225, subd. (d).) The Department’s emergency rulemaking was completed in three parts: OAL Matter Nos. 2023-1222-01, 2024-0223-01, and 2024-0403-01.

### **Effect of the Proposed Rulemaking:**

The proposed regulations:

- create the uniform CCW license that complies with the new statutory requirements;
- establish the qualifications necessary to become a CCW DOJ Certified Instructor;
- establish the grounds for revoking a CCW DOJ Certified Instructor’s certification;

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

- establish the process for the CCW license applicant’s background check so the Department can determine the applicant’s eligibility to possess, receive, own, or purchase a firearm;
- provide the manner for a licensing authority to send certain CCW license records to the Department; and
- prescribe the uniform design for signs allowing CCW licenseholders to carry firearms on private property and places of worship.

**Anticipated Benefits of the Proposed Regulations:**

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.

**Comparable Federal Regulations:**

There are no existing federal regulations or statutes comparable to these proposed regulations.

**Determination of Inconsistency/Incompatibility with Existing State Regulations:**

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing State regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern CCW licenses.

**Forms Incorporated by Reference:**

- Concealed Carry Weapon Program DOJ Certified Instructor Application, Form BOF 1034 (Rev. 12/2024)
- License to Carry Concealed Pistol, Revolver, or Other Firearm Notification of Denial or Revocation, Form BOF 1032 (Rev. 12/2024)
- Reserve/Auxiliary Peace Officer and Judicial Carry Concealed Weapon (CCW) License Annual Survey, Form BOF 1027 (Rev. 12/2024)

**Other Statutory Requirements:**

None.

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

### **The Department's Initial Determinations:**

Mandate on local agencies or school districts: These regulations may create a reimbursable mandate as determined by the Commission on State Mandates. The bill analysis provided by the Senate Appropriations Committee contained the following information regarding SB 2's fiscal impact on local government:

Local Costs: Unknown, possibly reimbursable costs, to local law enforcement agencies, including city police agencies and county sheriff offices to comply with the requirements in this bill for issuing CCWs (Local Funds, General Fund).

Prior to the *Bruen* decision, local law enforcement used a good cause standard to make case-by-case decisions on CCWs. This bill may require a more nuanced evaluation of a CCW application. Local costs could be in the millions in the first two or three fiscal years as more people apply for CCWs following the Supreme Court's ruling, with costs declining over time. Costs to the General Fund will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

Cost or savings to any state agency: The Department's decision to establish qualifications for CCW instructors has increased the workload to the Department, which is now tasked with reviewing the applications. The Department requested one additional Staff Services Analyst (SSA) to process these applications.

The cost of the SSA to the Department is \$122,434 for fiscal year 2024-25 and \$114,068 on-going for subsequent fiscal years.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other non-discretionary costs or savings imposed on local agencies: None. Licensing authorities may charge a fee in an amount equal to the reasonable costs for processing the application for a new license or a license renewal, issuing the license, and enforcing the license, including any required notices, excluding fingerprint and training costs. (§ 26190, subs. (b) & (d).)

Cost or savings in federal funding to the state: None.

Cost impacts on representative person or business: The regulations require CCW instructor applicants to provide a training certificate from a specified training entity. The average cost to obtain a training certificate is \$350. While 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.

Significant effect on housing costs: None.

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

### **Results of the Economic Impact Assessment (EIA):**

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

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.

Business report requirement: None.

Small business determination: The Department has determined that this proposed action affects small businesses.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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.

## **CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

Q. Farris  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816  
(916) 210-2372  
[bofregulations@doj.ca.gov](mailto:bofregulations@doj.ca.gov)

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

S. Villareal  
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P.O. Box 160487  
Sacramento, CA 95816  
(916) 210-2364  
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## **AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE**

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the “express terms” of the regulations), the forms incorporated by reference, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the forms incorporated by reference, and the Initial Statement of Reasons are available on the Department’s website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information listed above to obtain copies of these documents.

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally-proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department’s website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

## **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the express terms, the forms incorporated by reference, and the Initial Statement of Reasons are available on the Department’s website at <https://oag.ca.gov/firearms/regs>.