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# **California Concealed Carry Rules and Regulations**

**State Supplement**

**Minimum two to three hours**

# Key Topics Covered

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- 1) California concealed carry license introduction
- 2) Who is eligible
- 3) License restrictions
- 4) Training requirements
- 5) Fees, duration and processing time
- 6) Name and address change
- 7) Frequently asked questions

# State Snapshot

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**121k**

LICENSES ISSUED

**39.9M**

STATE POPULATION

**0**

STATES HONORED

**18\***

MINIMUM AGE TO  
CC

**2**

YEARS LICENSE  
VALID

**28**

RECIPROCATING  
STATES

**140**

ATTORNEYS IN  
USCCA NETWORK

**439**

USCCA CERTIFIED  
INSTRUCTORS

**0.3%**

LICENSES  
PERCENTAGE

As of 18DEC2023

# California Is a “Shall-Issue” State

- California is a **shall-issue** state, which requires the issuing authority to approve the permit if all state requirements had been met.
- Moved from a may-issue state upon the Supreme Court’s ruling on the New York State Rifle and Pistol Association (NYSRPA) v. Bruen on June 23<sup>rd</sup>, 2022



[NYSRPA v Bruen, June 23, 2022](#)

# Who Issues Concealed Carry Weapons Licenses?

- A California Concealed Carry Weapons License (CCWL) shall be granted to residents of a city by the local police department, or to residents of a county or a city within the county, by the county sheriff.
- A local police department and the sheriff of the county in which the city is located may also enter into an agreement to delegate review of all CCW applications and renewals within the city to one of the two law enforcement agencies.
- Prior to starting the application process, call your local police department and/or sheriff's office, to determine which office processes applications.





# Who Is Eligible?

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**To be considered for a California Concealed Carry Weapons License (CCWL), the applicant must:**

1. Be at least 21 years of age
2. Be a resident of the county or work in the county
3. Be of good moral character
4. Be the recorded owner, with the Department of Justice, of the pistol, revolver, or other firearm for which the license will be issued
5. Have completed an approved firearms training class (minimum of 16 hours) Section 26165
6. Not be reasonably likely to be a danger to self, others, or the community

# Who Is Eligible?

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**To be considered for a California Concealed Carry Weapons License (CCWL), the applicant must:**

7. Not have been convicted of contempt of court under Section 166
8. Not have been convicted of a felony or certain types of misdemeanors, including a lifetime prohibition if convicted of domestic violence
9. Not have been convicted of a hate crime in the previous 10 years under Sections 422.6, 422.7, 422.75, or 29805
10. Not have engaged in an unlawful or reckless use, display, or brandishing of a firearm
11. Not have been charged with any offense that was dismissed in the previous 10 years under Sections 290. 667.5, 1192.7, 1192.8, or 29805



# Who Is Eligible?

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**To be considered for a California Concealed Carry Weapons License (CCWL), the applicant must:**

12. Not be subject to any restraining order, protective order, or other type of court order for the previous five years
13. Not have been committed to or incarcerated in county jail or state prison, or on probation, parole postrelease community supervision, or mandatory supervision in the previous five years resulting from a conviction of an offense an element that involves controlled substances described in Sections 11053 to 11058, inclusive of the Health and Safety Code, or Alcohol
14. Not be abusing or addicted to controlled substances described in Sections 11053 to 11058, inclusive of the Health and Safety Code, or Alcohol

# Who Is Eligible?

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**To be considered for a California Concealed Carry Weapons License (CCWL), the applicant must:**

- 15. Not have experienced the loss or theft of multiple firearms due to the applicant's lack of compliance with federal, state, or local law regarding storing, transporting, or securing the firearm
- 16. Not have failed to report a loss of a firearm as required by Section 25250 or any other state, federal, or local law requiring the reporting of the loss of a firearm
- 17. Meet federal legal requirements to own a firearm

# Your Actual Carry Gun Must be Listed on CCWL

The license includes the licensee’s name, occupation, residence and business addresses; the licensee’s age, height, weight, color of eyes and hair; and the reason for desiring a license to carry the weapon, as well as a description of the weapon or weapons authorized to be carried, **giving the name of the manufacturer, the serial number and the caliber.**

## Section 3 - Description of Weapons

List below the weapons you desire to carry if granted a CCW license. You may carry concealed only the weapon(s) which you list and describe herein, and only for the purpose indicated. Any misuse will cause an automatic revocation and possible arrest. Use additional pages if necessary.

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Make	Model	Caliber	Serial Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Make	Model	Caliber	Serial Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Make	Model	Caliber	Serial Number



# Concealed Carry vs. Open Carry

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- The **open** carrying of firearms is governed in California by a set of laws which at times conflict with one another.
- Openly carrying loaded or unloaded firearms in public is generally prohibited in California.
- However, the sheriff of any county with a population less than 200,000 people or the chief of police of a city within that county may issue licenses to carry a loaded, exposed handgun.
  - Those licenses are only valid in the county where they are issued.

# License Restrictions

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- A California CCWL **may include any reasonable restrictions or conditions** which the issuing authority deems warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry a firearm.
  - Any such restrictions must be indicated on the license itself.
- Many locations in the state of California **BAN** the carrying of firearms under state or federal law, even if you possess a concealed carry license. We'll review those one at a time.
- California will **ONLY** issue carry permits to residents, individuals who work in the state and active-duty military members permanently stationed in California.
- California does **NOT** honor any other states' concealed carry permits.

# Training Requirements for New Applications

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Penal Code sections 26150 and 26155 specify that new CCW applicants are now required to complete a training course approved by the local licensing authority, which must provide a minimum of 16 hours of instruction on:

- Firearm safety and handling
- Shooting technique
- Safe storage
- Legal methods to transport firearms and securing firearms in vehicles
- Laws governing where permit holders may carry firearms
- Laws regarding the permissible use of a firearm
- Laws regarding the permissible use of lethal force in self-defense
- Mental health and mental health resources not less than one hour

# Training Requirements for New Applications

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- This course must be taught and supervised by firearms instructors certified by the Department of Justice pursuant to Section 31635.
- Students must pass a written examination to demonstrate their understanding of the topics covered.
- The course must include a live-fire shooting exercise on a firing range and shall include the applicant demonstrating the safe handling of, and shooting proficiency with, **each firearm that the applicant is applying to be licensed to carry.**
- The licensing authority shall establish and make available their live-fire shooting standards.
- Alternatively, the licensing authority may require a community college course certified by the Commission on Peace Officer Standards and Training – up to a maximum of 24 hours – but only if required uniformly of all license applicants without exception.



# Shooting Qualification

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The USCCA uses the following course of fire:

- Fifty rounds total, untimed, with distance and round counts as follows:
  - 4 yards: 15 rounds
  - 7 yards: 15 rounds
  - 10 yards: 10 rounds
  - 15 yards: 10 rounds
- Must score 70 percent, which is at least 35 hits inside the center circle (7-inch diameter) on the USCCA Silhouette Target.

**Instructors and ranges must comply with the requirements set out by their states and counties. Make sure that you know *and* follow the live-fire requirements in your area.**

# **Fees, Duration and Processing Time**

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- California CCWL fees will vary, check with your issuing authority.
- The CCWL is valid for two years.
- The issuing authority has 90 days to issue or deny the license.

# 90 Days to Issue or Deny

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- The licensing authority must also give written notice to the applicant indicating that the application has been approved or denied. This notice must be given within 90 days of receiving the completed application for a new license or a license renewal.
- If the license is denied, the notice must state the reason as to why the determination was made and inform the applicant that they may request a hearing from a court, as outlined in Section 26206.
- A licensing authority providing notice under this paragraph informing the applicant that the request for a license has been denied satisfies the requirement to provide notice of a denial of a license pursuant to Section 26205.

# Requirements for Renewing your License

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For license renewal applicants, the course of training may be any course acceptable to the licensing authority, shall be no less than eight hours in length and must include:

- Firearm safety and handling
- Shooting technique
- Safe storage
- Legal methods to transport firearms and securing firearms in vehicles
- Laws governing where permit holders may carry firearms
- Laws regarding the permissible use of a firearm
- Laws regarding the permissible use of lethal force in self-defense
- Mental health and mental health resources not less than one hour.

# Requirements for Renewing your License

---

- This course must be taught and supervised by firearms instructors certified by the Department of Justice pursuant to Section 31635.
- Students must pass a written examination to demonstrate their understanding of the topics covered.
- The course must include a live-fire shooting exercise on a firing range and shall include the applicant demonstrating the safe handling of, and shooting proficiency with, **each firearm that the applicant is applying to be licensed to carry.**
- The city or county issuing the license may require additional psychological testing of a renewal applicant only if there is compelling evidence to indicate that a test is necessary.
- The city or county may not require the applicant to provide additional information other than that necessary to complete the original application or to clarify information provided in the original application.

# Name, Firearm or Address Changes

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- CCWL licenses may be amended:
  - To add or delete a particular firearm (some counties limit how many firearms can be listed per CCWL)
  - For a change to any restrictions or conditions on the license, including restrictions as to the time, place, manner and circumstances under which the person may carry a firearm capable of being concealed upon the person
  - License holders must notify the licensing authority in writing within **10 days** of any change in the license holder's place of residence.
    - A license will **expire 90 days** after the license holder **moves from the county where the license was originally issued** if the license holder's place of residence was the basis for issuance of the license.
- Within **10 days** of receiving that notice, the licensing authority shall notify the Department of Justice of the change in a licensee's place of residence.

# A Licensee Cannot

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When carrying a firearm, the licensee shall not:

- Consume an alcoholic beverage or controlled substance as described in Sections 11053 to 11058, inclusive, of the Health and Safety Code.
- Be in a place having a primary purpose of dispensing alcoholic beverages for onsite consumption.
- Be under the influence of **any** alcoholic beverage, medication, or controlled substance as described in Sections 11053 to 11058, inclusive, of the Health and Safety Code.

[California Penal Code Section 26200](#)



# A Licensee Cannot

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When carrying a firearm, the licensee shall not:

- Carry a firearm not listed on the license or a firearm for which they are not the recorded owner.
  - This paragraph does not apply to a licensee who was issued a license pursuant to Section 26170, in which case they may carry a firearm that is registered to the agency for which the licensee has been deputized or appointed to serve as a peace officer, and the licensee carries the firearm consistent with that agency's policies.
- Falsely represent to a person that the licensee is a peace officer.
- Engage in an unjustified display of a deadly weapon.

[California Penal Code Section 26200](#)

# **A Licensee Cannot**

When carrying a firearm, the licensee shall not:

- Fail to carry the license on their person.
- Impede a peace officer in the conduct of their activities.
- Refuse to display the license or to provide the firearm to a peace officer upon demand for purposes of inspecting the firearm.
- Violate any federal, state, or local criminal law.

[California Penal Code Section 26200](#)

# A Licensee Cannot

---

When carrying a firearm, the licensee shall not:

- Violate any reasonable restrictions or conditions that the licensing authority deems warranted, including restrictions as to the time, place, manner, and circumstances under which a licensee may carry a pistol, revolver, or other firearm capable of being concealed upon the person.
  - Any restrictions imposed shall be indicated on any license issued.
- A licensee authorized to carry a firearm shall **not carry more than two firearms** under the licensee's control at one time.

[California Penal Code Section 26200](#)

# Banned Carry Locations

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- While you may carry in many locations, there are also numerous locations where you may not carry, permit or no permit.
- In most cases, no sign will be posted on these locations informing you of that fact, so it is up to **you** to know the law, both state and federal.
- We'll review these locations one at a time.



# School Property

- You may not carry a firearm onto school grounds (K through 12) unless the firearm is unloaded and in a closed and locked container or within the locked trunk of a motor vehicle.
- Permit holders are exempted from the federal ban on carrying a firearm within 1,000 feet of school property.
- Carrying on college and university property is also banned, unless permission has been granted.

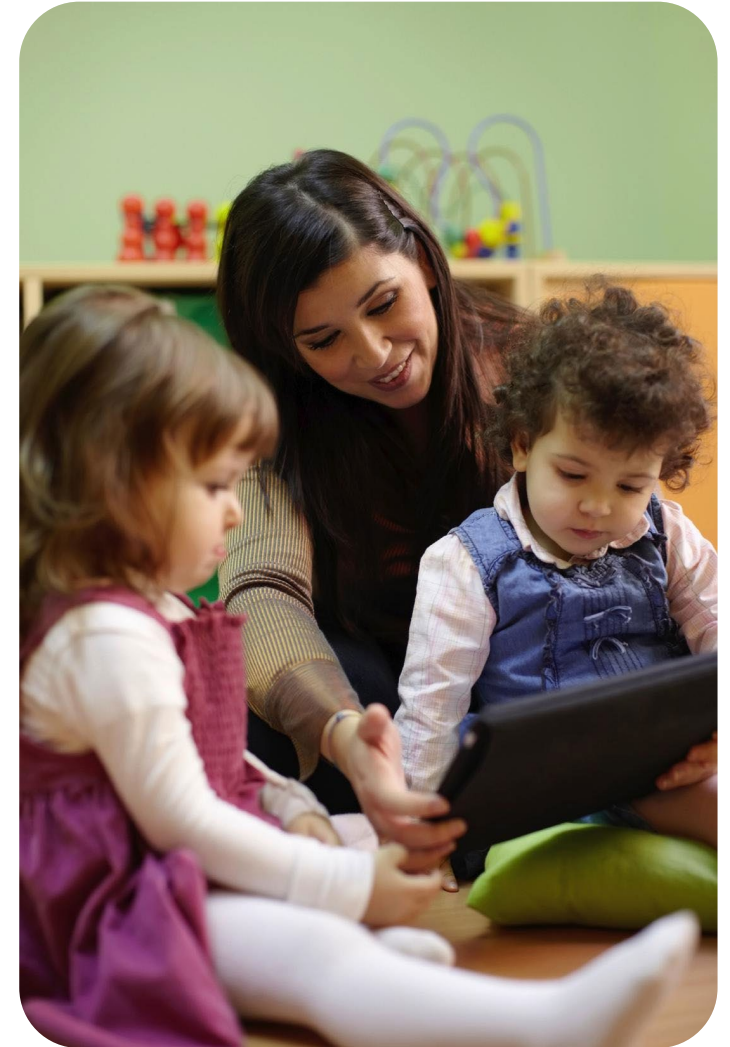


[California Penal Code Section 626.9](#)

# Pre-School or Daycare

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- You cannot on carry at or in a building, real property, or parking area under the control of a preschool or childcare facility.
- This includes a room or portion of a building under the control of a preschool or childcare facility.



[California Penal Code Section 26230 \(a\)\(2\)](#)

# Executive or Legislative Buildings

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- You cannot carry in a building, parking area, or portion of a building under the control of an officer of the executive or legislative branch of the state government, except as allowed pursuant to paragraph (2) of subdivision (b) of Section 171c.



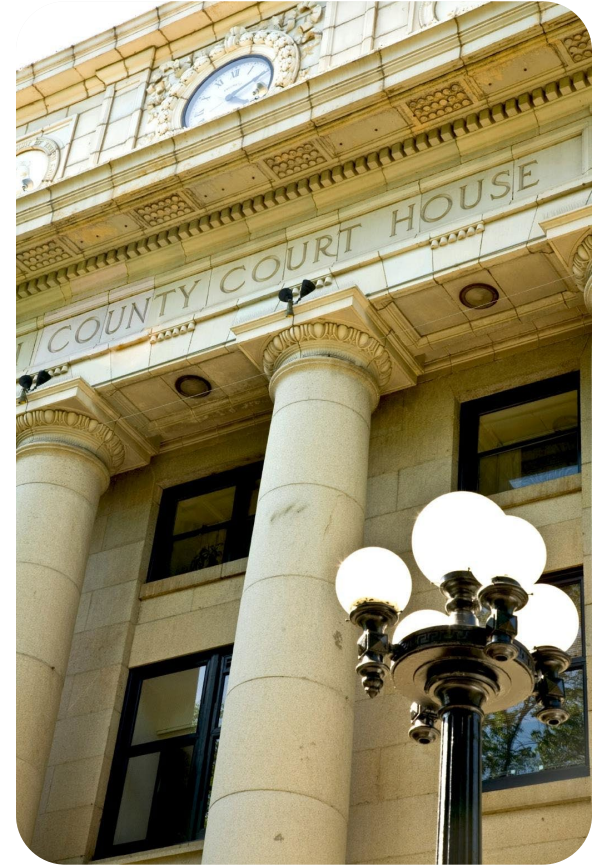
[California Penal Code Section 26230 \(a\)\(3\), Section 171c](#)



# Courtrooms

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- You cannot carry in a building designated for a court proceeding, including matters before a superior court, district court of appeal, or the California Supreme Court, parking area under the control of the owner or operator of that building, or a building or portion of a building under the control of the Supreme Court, unless the person is a justice, judge, or commissioner of that court.



[California Penal Code Section 26230 \(a\)\(4\), Section 171b](#)

# State or Local Buildings

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- You cannot carry in a building, parking area, or portion of a building under the control of a unit of local government, unless the firearm is being carried for purposes of training pursuant to Section 26165.

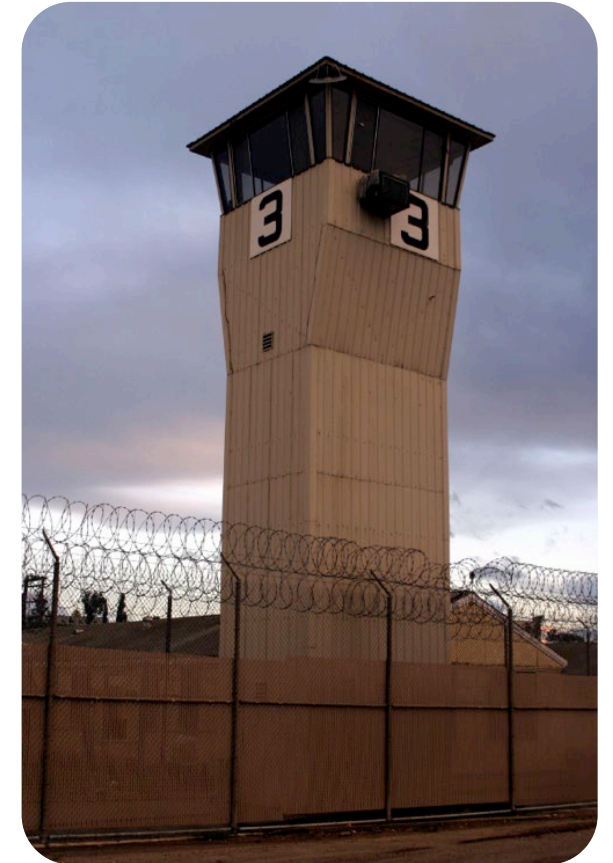


[California Penal Code Section 26230 \(a\)\(5\), Section 171b](#)

# Prisons, Jails and Detention Facilities

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- You cannot carry in a building, real property, and parking area under the control of an adult or juvenile detention or correctional institution, prison, or jail.



[California Penal Code Section 26230 \(a\)\(6\)](#)

# Bars and Restaurants (That Serve Alcohol)



California Penal Code Section 26230 (a)(9)



# Carry While Using Alcohol or Controlled Substances

- Consumption of alcohol is **NOT** allowed while carrying a firearm.
- In addition, specific controlled substances or narcotics (except when administered by or under the direction of a person licensed by the state to dispense, prescribe or administer controlled substances) are not allowed.
- However, CCW license conditions indicate you cannot, "Be under the influence of any medication or drug, whether prescribed or not."



[California Health and Safety Code Section 11550](#)

# Playgrounds and Youth Centers

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- You cannot carry at a playground or public or private youth center, as defined in Section 626.95, and a street or sidewalk immediately adjacent to the playground or youth center.



[California Penal Code Section 26230 \(a\)\(11\)](#)

# Parks and Athletic Facilities

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- You cannot carry at a park, athletic area, or athletic facility that is open to the public and a street or sidewalk immediately adjacent to those areas.
- This prohibition shall not apply to a licensee who must walk through such a place in order to access their residence, place of business, or vehicle.



[California Penal Code Section 26230 \(a\)\(12\)](#)



# Property of Parks and Recreation / Fish and Wildlife

- You cannot carry on real property under the control of the Department of Parks and Recreation or Department of Fish and Wildlife.
- Except for exempted areas designated for hunting pursuant to Section 5003.1 of the Public Resources Code, Section 4501 of Title 14 of the California Code of Regulations, or any other designated public hunting area, public shooting ground, or building where firearm possession is permitted by applicable law.

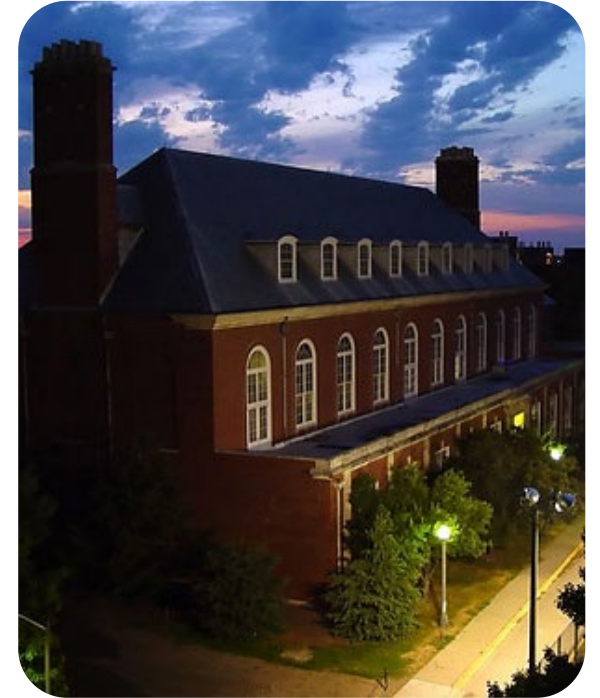


[California Penal Code Section 26230 \(a\)\(13\)](#)

# Colleges and Universities

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- You cannot carry in any area under the control of a public or private community college, college, or university, including but not limited to, buildings, classrooms, laboratories, medical clinics, hospitals, artistic venues, athletic fields or venues, entertainment venues, officially recognized university-related organization properties, whether owned or leased, and any real property, **including** parking areas, sidewalks, and common areas.



[California Penal Code Section 26230 \(a\)\(14\)](#)

# Gambling and Gaming Venues

- You cannot carry in a building, real property, or parking area that is or would be used for gambling or gaming of any kind whatsoever, including, but not limited to, casinos, gambling establishments, gaming clubs, bingo operations, facilities licensed by the California Horse Racing Board, or a facility wherein banked or percentage games, any form of gambling device, or lotteries, other than the California State Lottery, are or will be played.

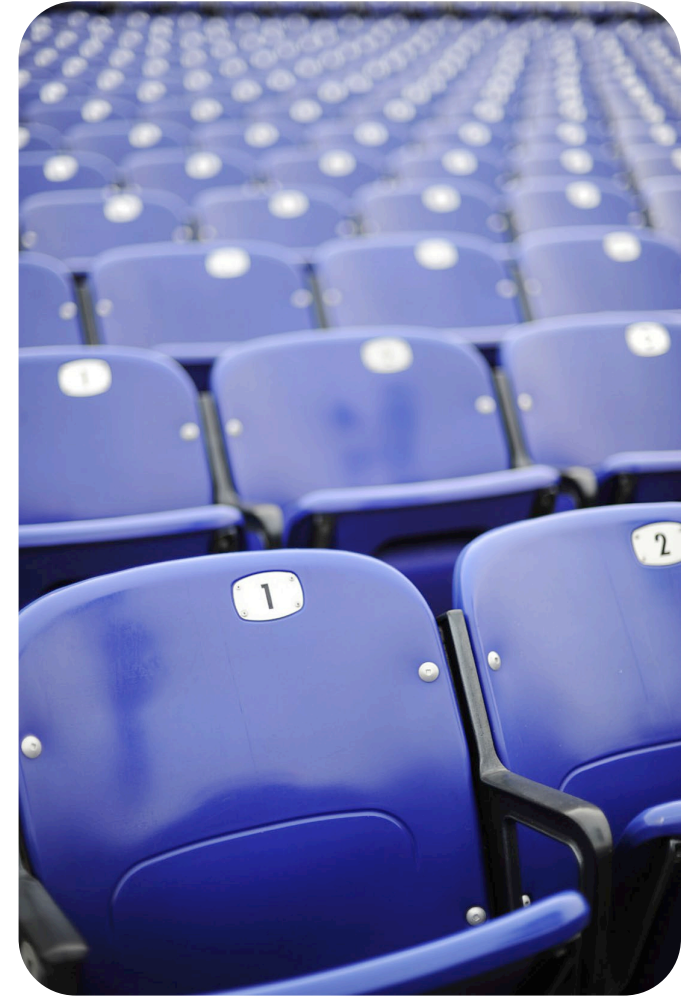


[California Penal Code Section 26230 \(a\)\(15\)](#)

# Stadiums

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- You cannot carry in a stadium, arena, or the real property or parking area under the control of a stadium, arena, or a collegiate or professional sporting or eSporting event.



[California Penal Code Section 26230 \(a\)\(16\)](#)

# Libraries

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- You cannot carry in a building, real property, or parking area under the control of a public library.



[California Penal Code Section 26230 \(a\)\(17\)](#)



# Airports

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- You cannot carry in a building, real property, or parking area under the control of an airport or passenger vessel terminal, as those terms are defined in [subdivision \(a\) of Section 171.5](#).



[California Penal Code Section 26230 \(a\)\(18\)](#)

# Amusement Parks

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- You cannot carry in a building, real property, or parking area under the control of an amusement park.



[California Penal Code Section 26230 \(a\)\(19\)](#)

# Zoos and Museums

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- You cannot carry in a building, real property, or parking area under the control of a zoo or museum.



[California Penal Code Section 26230 \(a\)\(20\)](#)



# Nuclear Energy Sites

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- You cannot carry in a street, driveway, parking area, property, building, or facility, owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission.



[California Penal Code Section 26230 \(a\)\(21\)](#)

# Law Enforcement Stations

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- You cannot carry in a police, sheriff, or highway patrol station or parking area under control of a law enforcement agency.



[California Penal Code Section 26230 \(a\)\(24\)](#)

# Post Offices

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- As of July 2015, this prohibition once again **includes post office parking lots**. In a 2-1 vote, the 10th U.S. Circuit Court of Appeals said that a U.S. Postal Service regulation banning firearms on postal property is constitutional, which reversed a lower court ruling from July 2013 that would have let people keep weapons inside their vehicles in post office parking lots.
- Violating this prohibition may result in federal charges and imprisonment up to a year.



[39 CFR 232.1](#)

# Federal Facilities

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- You may not carry a firearm into any federal facility which includes any building or part thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties.
- This would include federal courthouses, IRS offices, post offices, ranger stations and other buildings in federal parks, etc.



[18 U.S.C. 930](#)

# What Other Places Ban Firearms?

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- In a public place or on any public street if you are masked to conceal your identity **[Cal. Penal Code § 25300]**
- Cal Expo center in Sacramento **[14 CCR § 4955]**
- On any county property in San Francisco county **[SF Police Code Art 9, S. 617(C)(1)]**
- Fresno City Hall **[Ordinance 2020-035]**

**- And -**

- Any places restricted on an individual's concealed carry license
- Any place where the carrying of firearms is prohibited by federal law or state law or regulation, even if it was not covered in this presentation

[California Penal Code Section 26230 \(a\)\(27\)-\(29\)](#)

# Transporting a Firearm

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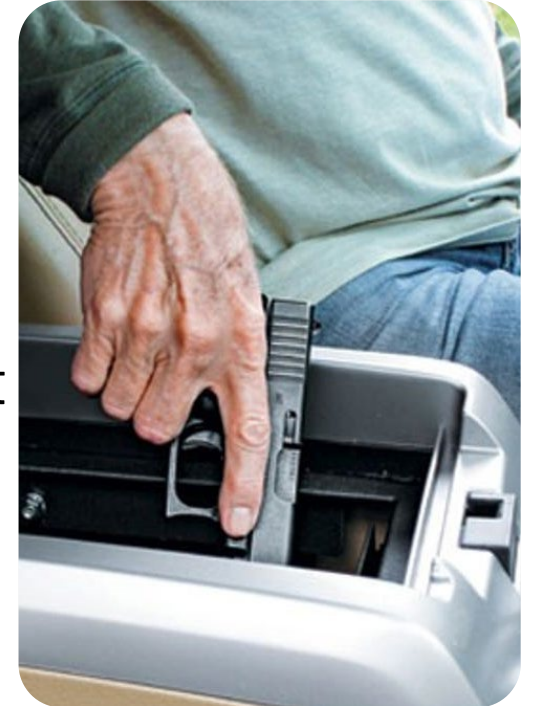
- A licensee may transport a firearm and ammunition within their vehicle so long as the firearm is locked in a lock box, as defined in subdivision (y) of Section 4082 and subdivision (b) of Section 4094 of Title 11 of the California Code of Regulations.
- The lock box is a firearm safety device, as defined in Section 16540, that is listed on the department's Roster of Firearm Safety Devices Certified for Sale pursuant to Sections 23650 and 23655.
- "Locked container" means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. This includes the trunk of a motor vehicle, but does not include the utility or glove compartment. (Pen. Code, § 16850.)
- Local laws may place more restrictive requirements upon the storage of firearms in vehicles.

[California Penal Code Section 26230 \(b\)](#)



# Transporting a Firearm

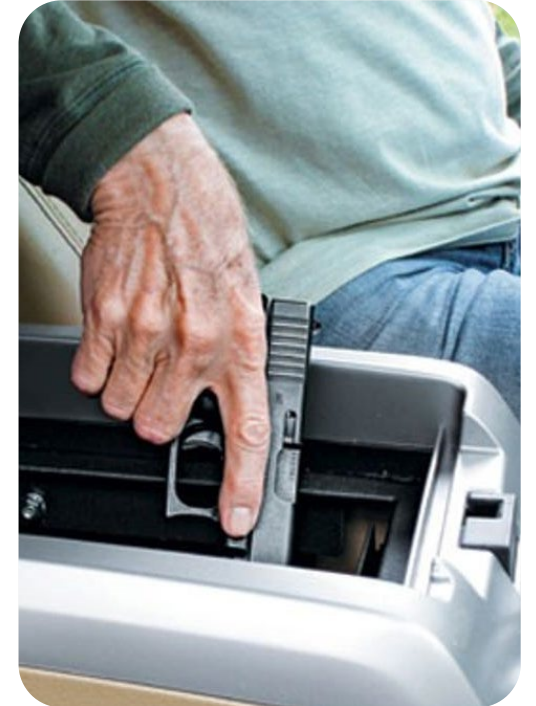
- A licensee prohibited from carrying a concealed firearm into the parking area of a prohibited location specified in subdivision (a) shall be allowed to:
  1. Transport a concealed firearm or ammunition within a vehicle into or out of the parking area so long as the firearm is locked in a lock box.
  2. Store ammunition or a firearm within a locked lock box and out of plain view within the vehicle in the parking area. Nothing in this paragraph is intended to preempt local laws placing more restrictive requirements upon the storage of firearms in vehicles.



[California Penal Code Section 26230 \(c\)](#)

# Transporting a Firearm

- A licensee prohibited from carrying a concealed firearm into the parking area of a prohibited location specified in subdivision (a) shall be allowed to:
  3. Transport a concealed firearm in the immediate area surrounding their vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within a locked lock box in the vehicle's trunk or other place inside the vehicle that is out of plain view.



[California Penal Code Section 26230 \(c\)](#)



# Transporting a Firearm

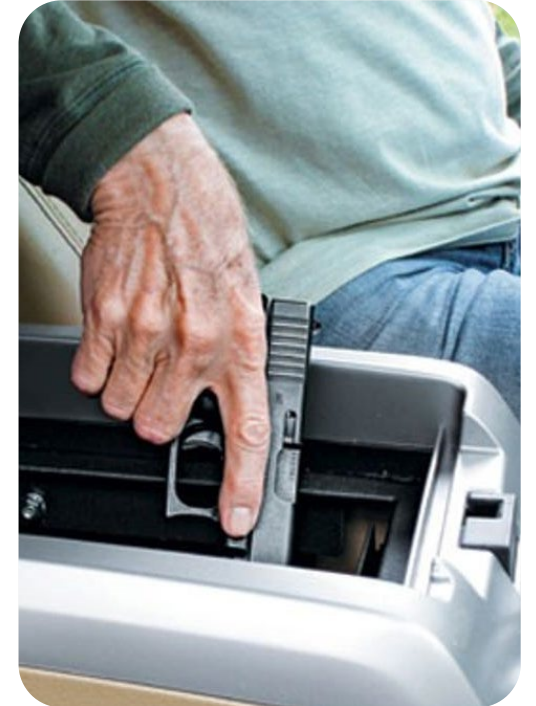
- For purposes of subdivision (c), a lock box is an item as defined in subdivision (b) of Section 4082 and subdivision (y) of Section 4094 of Title 11 of the California Code of Regulations, which is a firearm safety device, as defined in Section 16540, that is listed on the Department's Roster of Firearm Safety Devices Certified for Sale pursuant to Sections 23650 and 23655.



[California Penal Code Section 26230 \(d\)](#)

# Transporting a Firearm

- Except in the places specified in paragraph (14) of subdivision (a), a licensee shall not be in violation of this section while they are traveling along a public right-of-way that touches or crosses any of the premises identified in subdivision (a) if the concealed firearm is carried on their person in accordance with the provisions of this act or is being transported in a vehicle by the licensee in accordance with all other applicable provisions of law.
- Nothing in this section allows a person to loiter or remain in a place longer than necessary to complete their travel.

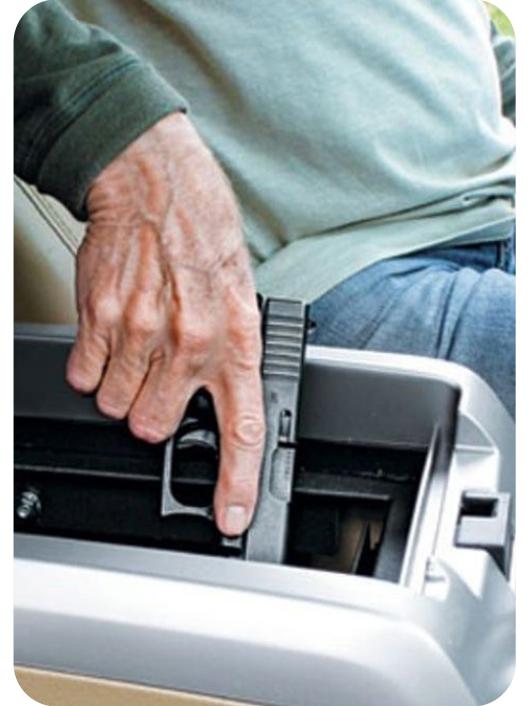


[California Penal Code Section 26230 \(e\)](#)

# Transporting a Firearm

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- Nothing in this section shall prohibit the carrying of a firearm where it is otherwise expressly authorized by law.



[California Penal Code Section 26230 \(f\)](#)

# Rest Stops

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- It is legal to carry a firearm into a California rest stop as long as you have a valid CCWL.



# State and National Parks

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- It is legal to carry a firearm into California State Parks or National Parks as long as you have a valid CCWL.
- However, under federal law, you are **prohibited** from carrying a firearm into a federal building within national parks. That would include ranger stations, visitor's centers, etc.



# Carrying on Your Own Property

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- A U.S. citizen or legal resident at least 18 years old may carry a handgun anywhere within his or her place of residence, place of business or on private property owned or lawfully possessed by the citizen or legal resident. A permit or license is not required for a person to carry within these locations.



# Firearms Sales

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- Although there is no comprehensive system of firearms registration in California, the California Department of Justice (DOJ) retains information about the purchaser and seller of all in-state firearms sales and transfers and requires that any firearms imported into the state be reported to the DOJ.
- All firearms sales must be completed through a dealer. A permit to purchase, a background check and transaction report to the DOJ are required to buy a handgun. As of January 1, 2019, no person may sell, supply, deliver, or give possession or control of a handgun to any person under the age of 21 years.

# Purchasing a Handgun in California

- There is a limitation for purchasing no more than one handgun in any 30-day period, although there are exemptions, including one for private party transfers.
- Not every firearm available in the United States is legal to purchase in California.
- If you are buying a firearm directly from a gun shop, all firearms in the shop should be approved.
- To see a complete list of approved firearms in the state, consult the Department of Justice's approved firearms list.





# Process for Purchasing a Handgun in California

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All firearms purchases, including private transaction, must be conducted through a federally licensed firearms dealer (FFL). The following information is specific to handgun purchases:

- You will need to provide your California driver's license, state-issued photo ID or a military identification accompanied by permanent duty station orders indicating a posting in California to the FFL.
- Dealers must obtain the purchaser's name, date of birth, and driver's license or identification number electronically from the magnetic strip on the license or ID card.
- Handgun purchasers must also present documentation indicating California residency (a utility bill from within the last three months, a residential lease, etc.).

# Process for Purchasing a Handgun in California

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- Prior to the submission of Dealer Record of Sale (DROS) information for a firearm, the purchaser must present a Firearm Safety Certificate (FSC) or provide the dealer with proof of exemption (Carry Concealed Weapon Permit, active duty or honorably retired military, law enforcement) pursuant to California Penal Code section 31700.
- The FSC is a true/false and multiple-choice test that is administered by instructors certified by the Department of Justice who are generally located at firearms dealerships.
  - There is a \$25 fee to take the test.
  - You must score at least 75 percent to pass the 30-question test.
- The California Department of Justice website offers both a study guide and a video to help you prepare for the FSC written test. After passing the test, you will be given an FSC that will be valid for five years.

# Process for Purchasing a Handgun in California

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- Purchasers must complete both an ATF Form 4473 and a DROS Form.
- You will either be approved or, if you are found to be prohibited from possessing firearms, the dealer must make available a DOJ Prohibited Notice and Transfer Form, stating that you are prohibited from owning or possessing a firearm and the reason for the prohibition from the DOJ.
- The total state fee is \$25, consisting of a DROS fee of \$31.19 that covers the costs of the background checks and transfer registry, a \$1.00 Firearms Safety Act Fee, and a \$5.00 Safety and Enforcement Fee.
- In the event of a private party transfer, the firearms dealer may charge an additional fee of up to \$10 per firearm.

# Process for Purchasing a Handgun in California

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- There is a **mandatory 10-day** waiting period after submitting your DROS Form before you are allowed to pick up your firearm.
- However, that may be **extended up to 30 days** if the DOJ is unable to determine whether you are a person who is prohibited from possessing a firearm.
- At the time the purchaser picks up his or her handgun, he or she must successfully complete a safety demonstration with it.
- Your firearm must also have a DOJ-approved firearms safety device, such as a trigger lock or safe, before you are able to pick it up.
- If you are purchasing a firearm from a dealer, this will likely be included in the sale. But if you are purchasing through a private transaction, you will need to supply your own.
- If you do not pick up your firearm within 30 days of submitting your DROS Form, the sale will be canceled, and you must restart the process.

# Process for Purchasing a Handgun in California

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- You may also request a voluntary determination to find out if you are eligible to purchase a firearm in California.
- This requires you to complete the Personal Firearms Eligibility Check (PFEC) Form.
  - Must be filed with the California Department of Justice, accompanied by a copy of your California driver's license or state-issued photo ID and a \$20 fee payable by check or money order to the Department of Justice.
  - Must be signed and notarized by a notary public.
  - Once you have filed your PFEC, you will be notified by mail **within 60 days** if you are eligible or ineligible to purchase a firearm in the state.
- For additional questions on purchasing a firearm in California, please reach out to the State of California Office of the Attorney General - Bureau of Firearms directly, or consult the FAQ page available on the California DOJ website.

# Purchasing Ammunition in California

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- You must be legally eligible to purchase and/or own a firearm and be at least 21 years old to purchase ammunition.
- Ammunition may not be purchased out of state and then brought into California.
  - Doing so would be a misdemeanor.
- As of July 1, 2019, ammunition sellers are required to conduct point of sale background checks (which should take only 60-90 seconds) with \$1 paid by the consumer. (Phase 2 of Prop 63).



# Purchasing Ammunition in California

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- For those who don't currently have a gun registered, there is a one-time \$19 "eligibility check" that may take up to 10 days.
- The law requires all ammunition sales, including mail order sales and sales between unlicensed parties, to be processed by a licensed ammunition vendor who will conduct the background check.





# Purchasing Ammunition in California

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- Only California residents can purchase ammunition.
- There is no restriction on the amount or type of ammunition that can be purchased.
  - There are restrictions on how much a person can sell in a 30-day period without being a licensed vendor.
  - State law authorizes people to sell or share ammunition with their spouses, domestic partners, parents, grandparents, children and grandchildren without the participation of a licensed vendor.



# Purchasing Ammunition in California

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- Municipalities may also have restrictions.
  - For instance, Winchester Black Talon, Federal Premium "Law Enforcement Ammunition Tactical" and Hornady "TAP (Tactical Application Police) Law Enforcement Ammunition" are prohibited in San Francisco county.



# Is There a Magazine Size Limitation in California?

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**Yes. No more than 10 rounds.**

- In California, it has been illegal since 2000 to manufacture, import, keep, give, lend, receive or offer for sale “large-capacity magazines,” defined as those that can hold more than 10 rounds of ammunition.
- As of late December, 2021, the U.S. 9th Circuit Court of Appeals granted a 150-day stay in the case of *Duncan v. Bonta*, blocking the state of California from enforcing its firearm magazine prohibition law. If the backers in the lawsuit file a petition with the U.S. Supreme Court on the matter during that 150-day period, the stay will continue until the case's final disposition with the nation's highest court.

# Magazine Size Limitations, Continued

- On August 14, 2020, a three-judge panel of the Ninth Circuit Court of Appeals affirmed the district court decision in *Duncan v. Becerra*.
- The appellate ruling does not lift the stay that California Attorney General Xavier Becerra secured at the commencement of the appeal. The stay remains in place until the appellate process is final.
- This allows California's nearly 20-year-old prohibition on the acquisition of new large-capacity ammunition magazines to remain in effect pending further appellate proceedings.

A magazine storing this number of rounds (10) is **legal** in CA.

A magazine capable of storing this number of rounds is **illegal**. (Anything over 10 is illegal.)



# Red Flag Law

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- California has a [red flag law](#).
- An immediate family member of a person, a law enforcement officer, and as of September 1, 2020, coworkers and school administrators may file a petition that includes the seizure of both firearms and ammunition.
- The subject of the petition are banned from having in their custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition for anywhere from one to five years.
- The subject is able to submit one written request per year for a hearing to terminate the restraining order.



# Guns and Children-Firearm Owner Responsibilities

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- You may be guilty of a **misdemeanor** or a **felony** if you keep a loaded firearm within any premises that are under your custody or control and a child under 18 years of age obtains and uses it, resulting in injury or death, or carries it to a public place.
- You will be clear of charges if you stored the firearm in a locked container or locked the firearm with a locking device to temporarily keep it from functioning.

[California Attorney General's Firearm Safety](#)



# Guns and Children-Firearm Owner Responsibilities

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## You Cannot Be Too Careful with Children and Guns

- There is no such thing as being too careful with children and guns.
  - Never assume that simply because a toddler may lack finger strength, they can't pull the trigger.
  - A child's thumb has twice the strength of the other fingers.
  - When a toddler's thumb "pushes" against a trigger, invariably the barrel of the gun is pointing directly at the child's face.
  - **NEVER** leave a firearm lying around the house.

[California Attorney General's Firearm Safety](#)

# Guns and Children-Firearm Owner Responsibilities

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## You Cannot Be Too Careful with Children and Guns

- Child safety precautions still apply even if you have no children or if your children have grown to adulthood and left home.
  - A nephew, niece, neighbor's child or a grandchild may come to visit.
  - Practice gun safety at all times.
- To prevent injury or death caused by improper storage of guns in a home where children are likely to be present, you should store all guns:
  - Unloaded and locked with a firearms safety device
  - Stored in a locked container.
  - Ammunition should be stored in a location separate from the gun.

[California Attorney General's Firearm Safety](#)

# Guns and Children-Firearm Owner Responsibilities

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## Talking to Children About Guns

- Children are naturally curious about things they don't know about or think are "forbidden."
  - When a child asks questions or begins to act out "gun play," you may want to address his or her curiosity by answering the questions as honestly and openly as possible.
  - This will remove the mystery and reduce the natural curiosity.

[California Attorney General's Firearm Safety](#)

# Guns and Children-Firearm Owner Responsibilities

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## Talking to Children About Guns

- Children are naturally curious about things they don't know about or think are "forbidden."
  - Also, it is important to remember to talk to children in a manner they can relate to and understand.
  - This is very important, especially when teaching children about the difference between "real" and "make-believe."
  - Let children know that, even though they may look the same, real guns are very different than toy guns.
  - A real gun will hurt or kill someone who is shot.

[California Attorney General's Firearm Safety](#)

# Guns and Children-Firearm Owner Responsibilities

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## Instill a Mind Set of Safety and Responsibility

- The American Academy of Pediatrics reports that adolescence is a highly vulnerable stage in life for teenagers struggling to develop traits of identity, independence and autonomy.
  - Children, of course, are both naturally curious and innocently unaware of many dangers around them.
  - Thus, adolescents as well as children may not be sufficiently safeguarded by cautionary words, however frequent.
  - Contrary actions can completely undermine good advice.
  - A "Do as I say and not as I do" approach to gun safety is both irresponsible and dangerous.

[California Attorney General's Firearm Safety](#)

# **Guns and Children-Firearm Owner Responsibilities**

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## **Instill a Mind Set of Safety and Responsibility**

- Remember that actions speak louder than words.
  - Children learn most by observing the adults around them.
  - By practicing safe conduct, you will also be teaching safe conduct.

[California Attorney General's Firearm Safety](#)



# Rules for Kids

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- Adults should be aware that a child could discover a gun when a parent or another adult is not present. This could happen in the child's own home; the home of a neighbor, friend or relative; or in a public place such as a school or park. If this should happen, a child should know the following rules and be taught to practice them.
  - Stop
    - The first rule for a child to follow if he/she finds or sees a gun is to stop what he/she is doing.
  - Don't touch
    - The second rule is for a child not to touch a gun he/she finds or sees.
    - A child may think the best thing to do if he/she finds a gun is to pick it up and take it to an adult.
    - A child needs to know he/she should NEVER touch a gun he/she may find or see.

[California Attorney General's Firearm Safety](#)

# Rules for Kids

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- Adults should be aware that a child could discover a gun when a parent or another adult is not present. This could happen in the child's own home; the home of a neighbor, friend or relative; or in a public place such as a school or park. If this should happen, a child should know the following rules and be taught to practice them.
  - Leave the area
    - The third rule is to immediately leave the area.
    - This would include never taking a gun away from another child or trying to stop someone from using gun.

[California Attorney General's Firearm Safety](#)

# Rules for Kids

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- Adults should be aware that a child could discover a gun when a parent or another adult is not present. This could happen in the child's own home; the home of a neighbor, friend or relative; or in a public place such as a school or park. If this should happen, a child should know the following rules and be taught to practice them.
  - Tell an adult
    - The last rule is for a child to tell an adult about the gun he/she has seen.
    - This includes times when other kids are playing with or shooting a gun.
    - Please note that, while there is no better advice at this time for children or adolescents who encounter a gun by happenstance, the California Chapter of the American College of Emergency Physicians reports that such warnings alone may be insufficient accident prevention measures with children and adolescents.

[California Attorney General's Firearm Safety](#)

# Methods of Childproofing Your Firearm

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- As a responsible handgun owner, you must recognize the need and be aware of the methods of childproofing your handgun, whether or not you have children.
- Whenever children could be around, whether your own, or a friend's, relative's or neighbor's, additional safety steps should be taken when storing firearms and ammunition in your home.
- Always store your firearm unloaded.
- Use a firearms safety device AND store the firearm in a locked container.
- Store the ammunition separately in a locked container.

[California Attorney General's Firearm Safety](#)

# Methods of Childproofing Your Firearm

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- Always storing your firearm securely is the best method of childproofing your firearm; however, your choice of a storage place can add another element of safety. Carefully choose the storage place in your home especially if children may be around.
- Do not store your firearm where it is visible.
- Do not store your firearm in a bedside table, under your mattress or pillow, or on a closet shelf.
- Do not store your firearm among your valuables (such as jewelry or cameras) unless it is locked in a secure container.
- Consider storing firearms not possessed for self-defense in a safe and secure manner away from the home.

[California Attorney General's Firearm Safety](#)

# Safety and Storage Devices

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- If you decide to keep a firearm in your home you must consider the issue of how to store the firearm in a safe and secure manner.
  - California recognizes the importance of safe storage by requiring that all firearms sold in California be accompanied by a DOJ-approved firearms safety device or proof that the purchaser owns a gun safe that meets regulatory standards established by the Department.
  - The current list of DOJ-approved firearms safety devices and the gun safe standards can be viewed by visiting <http://oag.ca.gov/firearms/fsdcertlist>.

[California Attorney General's Firearm Safety](#)



# Safety and Storage Devices

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- There are a variety of safety and storage devices currently available to the public in a wide range of prices.
  - Some devices are locking mechanisms designed to keep the firearm from being loaded or fired, but don't prevent the firearm from being handled or stolen.
  - There are also locking storage containers that hold the firearm out of sight.
  - For maximum safety you should use both a firearm safety device and a locking storage container to store your unloaded firearm.

[California Attorney General's Firearm Safety](#)

# Safety and Storage Devices

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Two of the most common locking mechanisms are trigger locks and cable locks.

- **Trigger locks** are typically two-piece devices that fit around the trigger and trigger guard to prevent access to the trigger.
  - One side has a post that fits into a hole in the other side.
  - They are locked by a key or combination locking mechanism.
- **Cable locks** typically work by looping a strong steel cable through the action of the firearm to block the firearm's operation and prevent accidental firing.
- However, neither trigger locks nor cable locks are designed to prevent access to the firearm.

[California Attorney General's Firearm Safety](#)

# Safety and Storage Devices

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- Smaller lock boxes and larger gun safes are two of the most common types of locking storage containers.
  - One advantage of lock boxes and gun safes is that they are designed to completely prevent unintended handling and removal of a firearm.
  - Lock boxes are generally constructed of sturdy, high-grade metal opened by either a key or combination lock.
  - Gun safes are quite heavy, usually weighing at least 50 pounds.
  - While gun safes are typically the most expensive firearm storage devices, they are generally more reliable and secure.
- **Remember:** Safety and storage devices are only as secure as the precautions you take to protect the key or combination to the lock.

[California Attorney General's Firearm Safety](#)

# Safe Storage of Firearms

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**An acceptable gun safe is either one the following:**

- a. A gun safe that meets all of the following standards:
  - 1. Shall be able to fully contain firearms and provide for their secure storage.
  - 2. Shall have a locking system consisting of at minimum a mechanical or electronic combination lock. The mechanical or electronic combination lock utilized by the safe shall have at least 10,000 possible combinations consisting of a minimum three numbers, letters, or symbols. The lock shall be protected by a case hardened (Rc 60+) drill resistant steel plate, or drill resistant material of equivalent strength.

[California Penal Code Title 11 Section 4100](#)

# Safe Storage of Firearms

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**An acceptable gun safe is either one the following:**

- a. A gun safe that meets all of the following standards:
  - 3. Boltwork shall consist of a minimum of three steel locking bolts of at least 1/2-inch thickness that intrude from the door of the safe into the body of the safe or from the body of the safe into the door of the safe, which are operated by a separate handle and secured by the lock.
  - 4. A gun safe shall be capable of repeated use. The exterior walls shall be constructed of a minimum 12-gauge thick steel for a single walled safe, or the sum of the steel walls shall add up to at least 0.100 inches for safes with two walls. Doors shall be constructed of a minimum one layer of 7-gauge steel plate reinforced construction or at least two layers of a minimum 12-gauge steel compound construction.

[California Penal Code Title 11 Section 4100](#)

# Safe Storage of Firearms

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**An acceptable gun safe is either one the following:**

- a. A gun safe that meets all of the following standards:
  - 5. Door hinges shall be protected to prevent the removal of the door. Protective features include, but are not limited to: hinges not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and active or inactive locking bolts.
- b. A gun safe that is able to fully contain firearms and provide for their secure storage, and is certified to/listed as meeting Underwriters Laboratories Residential Security Container rating standards by a Nationally Recognized Testing Laboratory (NRTL).

[California Penal Code Title 11 Section 4100](#)



# Criminal Storage of Firearms

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## California Penal Code Section 25100

- a) Except as provided in Section 25105, a person commits the crime of criminal storage of a firearm of the **first degree** if **all** of the following conditions are satisfied:
- 1) The person keeps any loaded firearm within any premises that are under the person's custody or control.
  - 2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian.
  - 3) The child obtains access to the firearm and thereby causes death or great bodily injury to the child or any other person.

[California Penal Code Section 25100](#)

# Criminal Storage of Firearms

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## California Penal Code Section 25100

- b) Except as provided in Section 25105, a person commits the crime of criminal storage of a firearm of the **second degree** if **all** of the following conditions are satisfied:
- 1) The person keeps any loaded firearm within any premises that are under the person's custody or control.
  - 2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian.
  - 3) The child obtains access to the firearm and thereby causes injury, other than great bodily injury, to the child or any other person, or carries the firearm either to a public place or in violation of Section 417.

[California Penal Code Section 25100](#)

# Criminal Storage of Firearms

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## California Penal Code Section 25105

Section 25100 does not apply whenever any of the following occurs:

- a) The child obtains the firearm as a result of an illegal entry to any premises by any person.
- b) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- c) The firearm is carried on the person or within close enough proximity thereto that the individual can readily retrieve and use the firearm as if carried on the person.
- d) The firearm is locked with a locking device, as defined in Section 16860, which has rendered the firearm inoperable.

# Criminal Storage of Firearms

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## California Penal Code Section 25105

Section 25100 does not apply whenever any of the following occurs:

- e) The person is a peace officer or a member of the Armed Forces or the National Guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
- f) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person.
- g) The person who keeps a loaded firearm on premises that are under the person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

[California Penal Code Section 25105](#)

# Criminal Storage of Firearms

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## California Penal Code Section 25110

- a) Criminal storage of a firearm in the first degree is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years, by a fine not exceeding ten thousand dollars (\$10,000), or by both that imprisonment and fine; or by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.
- b) Criminal storage of a firearm in the second degree is punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

[California Penal Code Section 25110](#)

# Criminal Storage of Firearms

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## California Penal Code Section 25115

- If a person who allegedly violated Section 25100 is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the district attorney shall consider, among other factors, the impact of the injury or death on the person alleged to have violated Section 25100 when deciding whether to prosecute the alleged violation.
- It is the Legislatures intent that a parent or guardian of a child who is injured or who dies as the result of an accidental shooting shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner or where similarly egregious circumstances exist.
- This section shall not otherwise restrict, in any manner, the factors that a district attorney may consider when deciding whether to prosecute an alleged violation of Section 25100.

[California Penal Code Section 25115](#)

# Criminal Storage of Firearms

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## California Penal Code Section 25120

- a) If a person who allegedly violated Section 25100 is the parent or guardian of a child who was injured or who died as the result of an accidental shooting, no arrest of the person for the alleged violation of Section 25100 shall occur until at least seven days after the date upon which the accidental shooting occurred.
- b) In addition to the limitation stated in subdivision (a), before arresting a person for a violation of Section 25100, a law enforcement officer shall consider the health status of a child who suffered great bodily injury as the result of an accidental shooting, if the person to be arrested is the parent or guardian of the injured child. The intent of this section is to encourage law enforcement officials to delay the arrest of a parent or guardian of a seriously injured child while the child remains on life-support equipment or is in a similarly critical medical condition.

[California Penal Code Section 25120](#)



# Criminal Storage of Firearms

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## California Penal Code Section 25125

- a) The fact that a person who allegedly violated Section 25100 attended a firearm safety training course prior to the purchase of the firearm that was obtained by a child in violation of Section 25100 shall be considered a mitigating factor by a district attorney when deciding whether to prosecute the alleged violation.
- b) In any action or trial commenced under Section 25100, the fact that the person who allegedly violated Section 25100 attended a firearm safety training course prior to the purchase of the firearm that was obtained by a child in violation of Section 25100 is admissible.

[California Penal Code Section 25125](#)

# Criminal Storage of Firearms

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## California Penal Code Section 25130

- Every person licensed under Sections 26700 to 26915, inclusive, shall post within the licensed premises the notice required by Section 26835, disclosing the duty imposed by this chapter upon any person who keeps a loaded firearm.

[California Penal Code Section 25130](#)

# Criminal Storage of Firearms

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## California Penal Code Section 25200

- a) If all of the following conditions are satisfied, a person shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine:
- 1) The person keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premises that are under the person's custody or control.
  - 2) The person knows or reasonably should know that a child is likely to gain access to that firearm without the permission of the child's parent or legal guardian.
  - 3) The child obtains access to that firearm and thereafter carries that firearm off-premises.

[California Penal Code Section 25200](#)

# Criminal Storage of Firearms

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## California Penal Code Section 25200

- b) If all of the following conditions are satisfied, a person shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding five thousand dollars (\$5,000), or by both that imprisonment and fine:
- 1) The person keeps any firearm within any premises that are under the person's custody or control.
  - 2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian.
  - 3) The child obtains access to the firearm and thereafter carries that firearm off-premises to any public or private preschool, elementary school, middle school, high school, or to any school-sponsored event, activity, or performance, whether occurring on school grounds or elsewhere.

[California Penal Code Section 25200](#)

# Criminal Storage of Firearms

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## California Penal Code Section 25200

- c) A pistol, revolver, or other firearm capable of being concealed upon the person that a child gains access to and carries off-premises in violation of this section shall be deemed used in the commission of any misdemeanor as provided in this code or any felony for the purpose of Section 29300 regarding the authority to confiscate firearms and other deadly weapons as a nuisance.
- d) As used in this section, off-premises means premises other than the premises where the firearm was stored.

[California Penal Code Section 25200](#)

# Permissible Use of a Firearm

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## Drawing or Exhibiting a Firearm

- If another person is present, it is illegal for any person, except in self-defense, to draw or exhibit a loaded or unloaded firearm in a rude, angry, or threatening manner, or who in any manner, unlawfully uses a firearm in a fight or quarrel. (Pen. Code, § 417.)

## Threatening Acts with a Firearm on a Public Street or Highway

- It is illegal for any person to draw or exhibit a loaded or unloaded firearm in a threatening manner against an occupant of a motor vehicle which is on a public street or highway in such a way that would cause a reasonable person apprehension or fear of bodily harm. (Pen. Code, §417.3.)

# Permissible Use of a Firearm

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## **Discharge of a Firearm in a Grossly Negligent Manner**

- It is illegal for any person to willfully discharge a firearm in a grossly negligent manner which could result in injury or death to a person. (Pen. Code, § 246.3.)

## **Discharge of a Firearm at an Inhabited/Occupied Dwelling, Building, Vehicle, Aircraft**

- It is illegal for any person to maliciously and willfully discharge a firearm at an inhabited dwelling, house, occupied building, occupied motor vehicle, occupied aircraft, inhabited housecar, or inhabited camper. (Pen. Code, § 246.)



# Permissible Use of a Firearm

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## **Discharge of a Firearm at an Unoccupied Aircraft, Motor Vehicle, or Uninhabited Building or Dwelling**

- It is illegal for any person to willfully and maliciously discharge a firearm at an unoccupied aircraft. It is illegal for any person to discharge a firearm at an unoccupied motor vehicle, building, or dwelling. This does not apply to an abandoned vehicle, an unoccupied motor vehicle, or uninhabited building or dwelling with permission of the owner and if otherwise lawful. (Pen. Code, § 247.)

## **Discharge of a Firearm from a Motor Vehicle**

- It is illegal for any person to willfully and maliciously discharge a firearm from a motor vehicle. A driver or owner of a vehicle who allows any person to discharge a firearm from the vehicle may be punished by up to three years imprisonment in state prison. (Pen. Code, § 26100.)

# Permissible Use of Lethal Force in Self-Defense

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- The use of lethal force in self-defense, and the defense of others, is governed by statutory law, case law, and the jury instructions that are based on these authorities.
  - Except where otherwise indicated, this section is based on the instructions generally given to the jury in a criminal case where self-defense is claimed and illustrates the general rules regarding the use of lethal force in self-defense.
- “The ‘ultimate question’ for the jury is whether a reasonable person in defendant’s situation ‘would believe in the need to kill to prevent imminent harm.’” (People v. Horn (2021) 63 Cal.App.5th 672, 685-686, quoting People v. Humphrey (1996) 13 Cal.4th 1073, 1087.)
- Accordingly, the question of whether use of lethal force is justified in self-defense cannot be reduced to a simple list of factors.

[California Firearm Laws Summary](#)

# Permissible Use of Lethal Force in Self-Defense

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## **Permissible Use of Lethal Force to Resist Threats of Death or Great Bodily Injury or to Resist the Commission of Forcible and Atrocious Felonies**

- The killing of one person by another may be justifiable when necessary to resist the imminent threat of death, great bodily injury, or the commission of a forcible and atrocious felony, provided that
  - a) the person using lethal force reasonably believed they, or someone else, was in imminent danger of death, great bodily injury, or being a victim of a forcible and atrocious felony;
  - b) the person using lethal force reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and

# Permissible Use of Lethal Force in Self-Defense

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## **Permissible Use of Lethal Force to Resist Threats of Death or Great Bodily Injury or to Resist the Commission of Forcible and Atrocious Felonies**

- The killing of one person by another may be justifiable when necessary to resist the imminent threat of death, great bodily injury, or the commission of a forcible and atrocious felony, provided that
  - c) the person using lethal force used no more force than was reasonably necessary to defend against that danger. The danger must be imminent and cannot merely be a belief in future harm. The belief in imminent danger must be reasonable and the person using lethal force must have done so only because of that belief. A person may use such force, up to lethal force, as a reasonable person in the same or similar circumstances would believe necessary to prevent the imminent danger of death, great bodily injury, or being a victim of a forcible and atrocious crime.

[California Firearm Laws Summary](#)

# Permissible Use of Lethal Force in Self-Defense

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## **Permissible Use of Lethal Force to Resist Threats of Death or Great Bodily Injury or to Resist the Commission of Forcible and Atrocious Felonies**

- Great bodily injury means significant or substantial physical injury, not merely a minor or moderate injury.
- A forcible and atrocious crime is any felony that by its nature and the manner of its commission threatens, or is reasonably believed by the person to threaten, life or great bodily injury so as to instill in the person a reasonable fear of death or great bodily injury. (People v. Ceballos (1974) 12 Cal.3d 470, 478.)
- Murder, mayhem, rape, and certain instances of robbery are examples of forcible and atrocious crimes.

[California Firearm Laws Summary](#)

# Permissible Use of Lethal Force in Self-Defense

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## Limitations on the Use of Force in Self-Defense

- The right of self-defense ceases when there is no further danger from an assailant.
- Thus, where a person attacked under circumstances initially justifying self-defense renders the attacker incapable of inflicting further injuries, the law of self-defense ceases and no further force may be used.
- As stated previously, a person may only use the amount of force that a **reasonable person** in the same or similar circumstances would believe **necessary** to prevent the imminent danger of death, great bodily injury, or being the victim of a forcible and atrocious crime.
- It is important to note that the use of excessive force beyond the limitations previously described may result in civil or criminal penalties.

[California Firearm Laws Summary](#)

# Permissible Use of Lethal Force in Self-Defense

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## Limitations on the Use of Force in Self-Defense

- The right of self-defense is not initially available to a person who attacks another.
- However, if such a person attempts to stop further combat and clearly informs the adversary of his or her desire for peace, but the opponent nevertheless continues the fight, the right of self-defense returns and is the same as the right of any other person who reasonably believes they are in imminent danger of death or great bodily injury.

[California Firearm Laws Summary](#)



# Permissible Use of Lethal Force in Self-Defense

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## Protecting Oneself or Another Person in One's Home

- A person may use lethal force to defend oneself or any other person in their home, provided that
  - a) the person using lethal force reasonably believed they were defending the home against an intruder who intended to, or tried to, commit a forcible and atrocious felony;
  - b) the person using lethal force reasonably believed the danger of violence to that person or another inside the home was imminent;

# Permissible Use of Lethal Force in Self-Defense

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## Protecting Oneself or Another Person in One's Home

- A person may use lethal force to defend oneself or any other person in their home, provided that
  - c) the person using lethal force reasonably believed the use of such force was necessary to defend against the danger; and
  - d) the person using lethal force used no more force than was reasonably necessary to defend against that danger. The danger must be imminent and cannot merely be a belief in future harm. As stated previously, murder, mayhem, rape, and certain instances of robbery are examples of forcible and atrocious felonies.

# Permissible Use of Lethal Force in Self-Defense

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## Protecting Oneself or Another Person in One's Home

- The amount of force that may be used in resisting an intruder's violent entry is limited to that which would appear **necessary** to a reasonable person in the same or similar circumstances to resist the violent entry.
  - One is not bound to retreat, even though a retreat might safely be made.

# Permissible Use of Lethal Force in Self-Defense

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## Protecting Oneself or Another Person in One's Home

- A person who uses lethal force against an intruder who they know or reasonably believes unlawfully and forcibly entered their home is presumed to have held a reasonable fear of imminent peril of death or great bodily injury to oneself or another person in the home if the intruder was not a member of the household or family. (Pen. Code, § 198.5.)
  - It is important to note that the use of force beyond that necessary to defend against the danger, and/or the rebuttal of this presumption of fear, may result in civil or criminal penalties.

# Permissible Use of Lethal Force in Self-Defense

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## Defense of Property

- The lawful occupant of real property has the right to request a trespasser to leave the premises.
- If the trespasser does not do so within a reasonable time, the occupant may use force to eject the trespasser.
- The amount of force that may be used to eject a trespasser is limited to that which a reasonable person would believe to be necessary under the same or similar circumstances.



# Frequently Asked Questions

*From the Office of the California Attorney General*

# Where do I find laws regarding the possession of firearms?

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- The laws governing control of deadly weapons, including firearms, are found in Part 6 of the Penal Code, beginning at section 16000. These laws define the various types of dangerous weapons as well as restrictions and crimes related to their manufacture, sale, possession and transportation.

Of particular note, the laws relating to firearms are found in Title 4 of Part 6, beginning at section 23500, and the applicable definitions and general rules are found in Title 1 of Part 6, beginning at section 16000. Laws that pertain to both firearms and other types of deadly weapons are found in Title 2 of Part 6, beginning at section 17500.



# **I'm not sure whether I have a California record that would prevent me from owning/possessing a firearm. Is there a way to find out before I attempt to purchase one?**

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- Yes. You may request a California Personal Firearms Eligibility Check (PFEC) by submitting a (PFEC) application to the Department of Justice. For more information about how to request a PFEC, please refer to the PFEC FAQ. Applications are also available through your local firearms dealer. Please be advised that a PFEC does not include a Federal NICS check. Therefore, you may still be prohibited from owning or possessing a firearm even though you receive a PFEC response indicating you are eligible to own or possess firearms.

**(Pen. Code, § 30105)**

# Can I give a firearm to my adult child? Can he/she give it back to me later?

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- Yes, as long as the adult child receiving the firearm is not in a prohibited category and the firearm is legal to possess (e.g., not an assault weapon). The transfer of a firearm between a parent and child or a grandparent and grandchild is exempt from the dealer transfer requirement. The exemption does not apply to step-children/step-parents, brothers, sisters, aunts, uncles or cousins.
- If the firearm is a handgun, the recipient must obtain a Handgun Safety Certificate prior to taking possession and must also submit a Report of Operation of Law or Intra-Familial Handgun Transaction and the \$19 fee to the DOJ within 30 days after taking possession.
- The same rules apply to the return of the firearm at a later date.

**(Pen. Code, §§ 27870-27875, 30910-30915.)**

# Can I give a firearm to my spouse or registered domestic partner? Can he/she give it back to me later?

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- Yes, as long as the person receiving the firearm is not in a prohibited category and the firearm is legal to possess (e.g., not an assault weapon), the transfer of a firearm between a husband and wife or registered domestic partners is exempt from the requirement to use a licensed dealer to perform the transfer.
- If the firearm is a handgun, the recipient must obtain a Handgun Safety Certificate prior to taking possession and must also submit a Report of Operation of Law or Intra-Familial Handgun Transaction and the \$19 fee to the DOJ within 30 days after taking possession.
- The same rules apply to the return of the firearm at a later date.

**(Pen. Code, §§ 16990, subd. (g), 27915, 27920, subd. (b).)**

# Is there a limit on the number of handguns that I can own or purchase?

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- There is no limit to the number of handguns that you may own but you are generally limited to purchasing no more than one handgun in any 30-day period. Handgun transactions related to law enforcement, private party transfers, returns to owners and certain other specific circumstances are exempt from the one-handgun-per-30-day purchase limit.

**(Pen. Code, § 27535.)**

# Does California have a law regarding the storage of firearms?

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- Yes. If you keep any loaded firearm within any premise which is under your custody or control and know or reasonably should know that a child (person under 18 years of age) is likely to gain access to the firearm, you may be guilty of a felony if a child gains access to that firearm and thereby causes death or injury to any person including themselves. That is unless the firearm was in a secure locked container or locked with a locking device that rendered it inoperable.

**(Pen. Code, §§ 25100, 25200.)**

# How much is the state fee when purchasing a firearm?

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- The total state fee is \$37.19. The DROS fee is \$31.19, which covers the costs of the background checks and transfer registry. There is also a \$1.00 Firearms Safety Act Fee and a \$5.00 Safety and Enforcement Fee. In the event of a private party transfer (PPT), the firearms dealer may charge an additional fee of up to \$10.00 per firearm.
- If the transaction is not a PPT, the dealer may impose other charges as long as this amount is not misrepresented as a state fee. When settling on the purchase price of a firearm, you should ask the dealer to disclose all applicable fees.

**(Pen. Code, §§ 23690, 28055, 28230, 28300, 28233.)**

# Can I sell a gun directly to another person (i.e. non-dealer)?

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- Generally, no. This type of transaction is referred to as a “private party transfer” (PPT) and must be conducted with both parties, in person, through a fully licensed California firearms dealer. Failure to do so is a violation of California law. The purchaser (and seller if the purchaser is denied), must meet the normal firearms purchase and delivery requirements.
- Firearms dealers are required to process private party transfers upon request but may charge a fee not to exceed \$10.00 per firearm for conducting the transfer. For example:
  - For private party transfers, the total allowable fees – including the DROS, safety and dealer transfer fees – are not to exceed \$47.19 (\$37.19 DROS fee and \$10.00 PPT fee) and \$10.00 for each subsequent firearm.

**(Pen. Code, § 27545, 28055)**



# Can my driving record prevent me from purchasing a firearm?

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- Yes. If you have a conviction for a firearms-prohibiting offense such as felony drunk driving, your driving record would affect your ability to purchase a firearm. Furthermore, your driver's license must be valid. A revocation, outstanding ticket or fine may cause your license to be invalid.

# What is the Firearm Safety Certificate (FSC) requirement?

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- Prior to the submission of DROS information for a firearm, the purchaser must present an FSC or provide the dealer with proof of exemption pursuant to California Penal Code section 31700.

**(Pen. Code, §§ 26840, 31700.)**

# How do I get an FSC?

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- To obtain an FSC, you must score at least 75% (23 correct answers out of 30 questions) on the FSC test covering firearms safety and basic firearms laws. The true/false and multiple-choice test is administered by instructors certified by the Department of Justice who are generally located at firearms dealerships.

**(Pen. code, §§ 31610-31670.)**

# If I lose my FSC, can I get it replaced?

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- Yes. A replacement FSC is available only through the DOJ Certified Instructor who issued your FSC. The FSC replacement cost is \$5. The replacement FSC will reflect the same expiration date as your original FSC.

**(Pen. code, § 31660.)**

# **I am moving into California and I own several firearms. What are the new-resident registration requirements?**

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- You are considered a personal firearms importer as defined by California law. You may bring all of your California-legal firearms with you, but you must report them all to the California Department of Justice within 60 days utilizing the New Resident Firearm Ownership Report (BOF 4010A). You may not bring ammunition feeding devices with a capacity greater than 10 rounds, machine guns or assault weapons into California.

**(Pen. code, §§ 17000, subd. (a), 27560.)**

# **Can I get a list of the firearms for which I am listed as the purchaser, transferee or owner?**

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- Yes. To obtain a list of firearms listed in your name, complete and submit an Automated Firearms System Records Request to:  
Automated Firearms Unit  
P.O. Box 820200  
Sacramento, CA 94203-0200.
- The request must be signed, notarized and include a photocopy of your photo ID card (i.e., driver's license or DMV ID).

# **I was arrested for a crime several years ago but no charges were filed against me. Can this affect my ability to purchase a firearm or to obtain a firearms license or permit?**

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- An arrest on your criminal history record without any disposition information explaining the outcome of the arrest may affect your ability to purchase a firearm or to obtain a firearms license or permit. If you are applying for a license or permit involving the possession of a firearm or dangerous weapon and the Department cannot determine the outcome of the arrest, you must first correct or complete the information in your criminal history record before the Department may issue you the license or permit. If you are trying to purchase a firearm and the Department cannot ascertain the outcome of the arrest and you do not correct or complete the information on your criminal history record, the decision whether to sell you the firearm rests with the firearms dealer. For further information on how to correct or complete the information on your criminal history record, please see [https://oag.ca.gov/fingerprints/security\\_faq#incorrect](https://oag.ca.gov/fingerprints/security_faq#incorrect).

# Key Topics Covered

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- 1) California concealed carry license introduction
- 2) Who is eligible
- 3) License restrictions
- 4) Training requirements
- 5) Fees, duration and processing time
- 6) Name and address change
- 7) Frequently asked questions



# Questions?

