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CONCEALED CARRY IN CALIFORNIA

UNDERSTANDING THE LANDMARK SHIFT IN CCW REGULATIONS

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The legal landscape for concealed carry weapons (CCW) in California has seen significant changes recently. Here's what you need to know:

Recent Court Rulings:

December 20, 2023: The US District Court (USDC) issued a preliminary injunction, temporarily halting the enforcement of certain parts of Senate Bill 2. This ruling was based on the decision that these parts were unconstitutional for individuals holding CCW permits.

December 30, 2023: The Ninth Circuit Court of Appeals maintained the status quo by issuing an administrative stay on this injunction. Then, a week later:

January 6, 2024: The Ninth Circuit Court of Appeals removed the stay allowing the preliminary injunction to take effect. This means CCW permit holders in California can now legally carry their firearms in areas previously designated as gun-free zones under the new law, without fear of prosecution.

Understanding Senate Bill 2:

Background: Signed into law by Governor Newsom on September 26, 2023, and effective from January 1, 2024, Senate Bill 2 (SB2) made significant changes to the CCW permit process and regulations.

Key Changes: SB2 eliminated the 'good character' and 'good cause' requirements for obtaining a CCW permit. However, it introduced restrictions, prohibiting CCW holders from carrying firearms in 26 types of locations, termed "sensitive places." The locations where CCW holders are prohibited from carrying include: hospitals, mental health facilities, nursing homes, medical offices, urgent care facilities, public transportation, establishments where intoxicating liquor is sold for consumption on the premises, public gathering and special events, playgrounds and private youth centers, parks and athletic facilities, Parks and Recreation/Fish and Wildlife properties, except in hunting areas, casinos and gambling establishments, stadiums and arenas, public libraries, amusement parks, zoos and museums, places of worship, financial institutions and privately-owned commercial establishments unless the operator clearly posts a sign allowing CCW holders to carry. Basically, all public places in California.



Reaction: This led to a lawsuit from 14 CCW holders and 10 organizations, challenging these restrictions as unconstitutional.

The Second Amendment:

The Second Amendment protects the individual's right to own and carry weapons, both inside and outside the home. This includes the right to carry firearms for personal defense.

United States Supreme Court directives in cases *District of Columbia v. Heller*, 554 US 570 (2008), *McDonald v. City of Chicago*, 561 US 742 (2010) and *NY State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct 2111 (2022) emphasize that the Second Amendment must not be treated as inferior and affirms the right to self-defense through responsible arms bearing.

Preliminary Injunction Criteria:

For a preliminary injunction to be granted, plaintiffs must demonstrate: (1) A high likelihood of success in their legal arguments (2) Potential for irreparable harm without the injunction (3) The balance of equities (fairness) favors them (4) The public interest supports the injunction.

The District Court evaluated the above and sided with the plaintiffs, declaring that SB2's restrictions were unconstitutional and “effectively abolished the right of law-abiding and exceptionally qualified citizens to be armed and to defend themselves in public.”

The court recognized the fundamental right to self-defense and emphasized the reliability and law-abiding nature of CCW holders. “Simply

put, CCW holders are not the gun wielders legislators should fear. Indeed, CCW holders are not responsible for any of the mass shootings or horrific gun violence that has occurred in California. CCW holders are among the most responsible, reliable law-abiding citizens. They have been through a vigorous vetting and training process following their application to carry a concealed handgun. The challenged SB2 provisions unconstitutionally deprive this group of their constitutional right to carry a handgun in public for self-defense. Therefore, those provisions must be preliminarily enjoined.”

Take Away:

Effective immediately, the injunction on SB2 is statewide. Law enforcement agencies should not enforce the SB2 restrictions on CCW holders.

CCW permit holders are now legally permitted to carry in previously restricted “sensitive places.”

Stay Safe and Informed!