

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

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

§ 4400. Definitions.

Subdivision (f) defines “safe weapon practices” as: (i) treat all firearms as if they are loaded; (ii) keep the firearm pointed in the safest possible direction; (iii) keep your finger off the trigger until you are ready to shoot; and (iv) know how to properly operate your firearm. This definition is necessary for clarity. The definition includes universal safe weapon practices.

§ 4401. Uniform CCW License Design Standards.

In subdivision (b), “cover area with image” is replaced with “cover area with photo of licensee.” This is necessary to indicate where the licensee’s photo is placed on the front of the uniform license. The field “CA DL/ID” is replaced with “DL/ID.” This is necessary to accommodate licensees who are not California residents.

Subdivision (c) requires licensing authorities to select green or blue for the banner and text. The original BOF 4501 had a blue banner and text. The Department has updated the BOF 4501 and section 4401 to allow licensing authorities to select green or blue. This change was made in response to input from licensing authorities. Police departments generally prefer blue, and sheriff departments generally prefer green.

Subdivision (c) further prescribes that, for non-California residents, the licensing authority shall indicate the number of the licensee’s driver’s license or identification card issued by the licensee’s state of residence in the “DL/ID” field. Two additional types (nonresident standard and nonresident judicial) were created for the “Type” field. This is necessary to accommodate licensees who are not California residents. These instructions ensure that licensing authorities enter the correct information into the fields.

Changes without regulatory effect. In subdivision (d), “BOF 4501 (Rev. 01/24)” was removed from the back of the uniform CCW license.

§ 4410. CCW DOJ Certified Instructor Qualifications and Applications.

In subdivision (c), the title and revision date of the BOF 1034 were updated. The amended BOF 1034 clarifies the instructions for POST-certified firearms instructors to be eligible for the live-fire shooting qualification exemption, as outlined in section 4412.

Subdivision (d) requires the applicant to pass a live-fire shooting qualification course within six months before submitting their application. The qualification tests five skills. The qualification test evaluates the common fundamentals of marksmanship (steady positioning, grip, sight picture/alignment, breath control, trigger control and follow through). The minimum passing score is 19 out of 24 points. This requirement ensures the applicant has the minimum level of skill, knowledge, and competency to teach the live-fire shooting exercises to CCW license applicants. (Pen. Code, § 26165, subd. (a)(6).)

§ 4411. Revoking CCW DOJ Certified Instructor’s Certification.

Subdivision (a)(6) explains that a CCW DOJ Certified Instructor’s certification shall be revoked if public safety would be endangered if the instructor were to retain the certification. This is necessary to ensure that instructors possess the level of skill, knowledge, and competency required by Penal Code section 26165, and to protect public safety. Two examples of dangerous behavior are provided for clarity.

§ 4412. Shooting Qualification for POST-Certified Firearms Instructors.

Subdivision (a) exempts peace officers from the live-fire shooting requirement in section 4410, subdivision (d). An active peace officer who is POST-certified as a Firearm Instructor, Rangemaster, or Concealed Carry Tactics Instructor who provides a POST printout showing their active or unexpired firearms live-fire qualification is exempt from the live-fire shooting qualification. As indicated in the Form BOF 1034, the POST printout must accompany the form. The revision date for the Form BOF 1034 was added to cross-reference the version of the form that is incorporated by reference in section 4410.

The application process is less burdensome than the standard application process in section 4410 because active POST-certified peace officers have significant and frequent training and firearms experience that ensures they have the minimum level of skill, knowledge, and competency to teach the course required by Penal Code section 26165.

§ 4440. Signs Allowing Firearms on Private Property.

Section 4440 was withdrawn. Penal Code section 26230, subdivision (a)(22) and (26), is currently enjoined as a result of the district court’s order in *May v. Bonta* (C.D. Cal. 2023) 709 F.Supp.3d 940, 946, *aff’d in part, rev’d in part sub nom.* (*Wolford v. Lopez* (9th Cir., Sept. 6, 2024, No. 23-16164) 2024 WL 4097462.)

SUMMARY OF COMMENTS AND DEPARTMENT RESPONSES

Written comments received during the 45-day comment period are included in the rulemaking file under Exhibit 13. The Department received 37 comments; comment No. 6 was not assigned.

Written comments received during the 15-day comment period are included in the rulemaking file under Exhibit 14.

Summaries of public comments and corresponding responses are organized by topic. The specific comments that are represented in the comment summary statement are listed after each comment summary by the commenter number as identified above followed by a dash and numbered comment when a commenter submitted more than one comment.

General Opposition

1. **Summary:** “I would continue to allow the certified instructor to run the program base on the curriculum that was approved by the County Sheriffs department.” (1-2.) Comment disagrees that the CCW training course should include a component on mental health issues or live-fire shooting exercise. (2-1.) Comment states training requirements should be reasonable and accessible to all applicants. (9-3; 31-3.) Comment states training requirements are too burdensome. (14-4.)

Response: Irrelevant. The comment is not directed at the proposed regulations or the rulemaking procedures followed. Penal Code section 26165 establishes the criteria for the CCW training course. The Department cannot implement regulations that alter or amend a statute or enlarge or impair its scope.

2. **Summary:** “It is vital that the new regulations ensure local authorities cannot arbitrarily deny permits.” (9-1.) The regulations significantly restrict who can obtain a CCW license. (14-1.) Restricting who can obtain a CCW license is unconstitutional. (14-2.) Licensing authorities have too much discretion when issuing CCW licenses. (14-3; 19-2; 31-1.) “We should be allowed to carry our weapons in public without jumping through hoops.” (15-1.) The age limit is unconstitutional. (31-2.)

Response: Irrelevant. The comment is not directed at the proposed regulations or the rulemaking procedures followed. Penal Code sections 26150, 26155, 26165, 26170, and 26202 establish the criteria for granting a CCW license. The Department cannot implement regulations that alter or amend a statute or enlarge or impair its scope. The Attorney General is defending the constitutionality of provisions within SB 2 in pending litigation.

3. **Summary:** SB 2 requires the state to remove the “good cause” and “good moral character” requirement. (5-1; 32-1.)

Response: Irrelevant. The comment is not directed at the proposed regulations or the rulemaking procedures followed. SB 2 replaced California’s “good cause” and “good moral character” requirements in Penal Code sections 26150, 26155, and 26170.

4. **Summary:** Comment opposes any additional requirements and costs imposed on both the CCW trainers and those seeking a license. (8-1.)

Response: No change has been made in response to this comment. The comments do not provide sufficient specificity for the Department to make any modifications to the text.

5. **Summary:** Comment asks the Department to ensure that the process for applicants to challenge disqualifications in court is affordable and unbiased. (9-4.)

Response: Irrelevant. The comment is not directed at the proposed regulations or the rulemaking procedures followed. Penal Code section 26206 establishes the process for an applicant to challenge a disqualified person determination. The Department cannot implement regulations that alter or amend a statute or enlarge or impair its scope.

6. **Summary:** Comment opposes the U.S. Supreme Court's decision in *New York State Rifle & Pistol Association v. Bruen* (2022) 597 U.S. 1. (12-1.)

Response: Irrelevant. The comment is not directed at the proposed regulations or the rulemaking procedures followed. The Department cannot implement regulations that alter or amend a statute or enlarge or impair its scope.

7. **Summary:** How many CCW holders have been arrested for illegal acts? Criminals don't follow the law at all. A CCW holder may save your life. (18-1.)

Response: Irrelevant. The comment is not directed at the proposed regulations or the rulemaking procedures followed.

8. **Summary:** Comment opposes SB 2. (13-1; 16-1; 19-1; 21-1; 23-1; 24-1.) Comment opposes all CCW regulations. Restrictions violate the Second Amendment and make California less safe. (20-1, 22-1; 24-2; 26-1; 28-1; 29-1; 35-1; 36-1; 37-1.)

Response: No change has been made in response to these comments. The Department cannot implement regulations that alter or amend a statute or enlarge or impair its scope. The law and implementing regulations are constitutional.

9. **Summary:** Commenter requests a reasonable accommodation from the Redondo Police Department. Commenter wants to take the 16-hour training course online, followed by the live-fire qualification with a certified instructor.

Response: Irrelevant. The comment is not directed at the proposed regulations or the rulemaking procedures followed. Penal Code section 26165 establishes the criteria for the CCW training course. The course may be any course acceptable to the licensing authority that meets the statutory minimum criteria. Commenter should seek a reasonable accommodation from the licensing authority.

10. **Summary:** "What's needed for CCW." (33-1.)

Response: No change has been made in response to this comment. The comments do not provide sufficient specificity for the Department to make any modifications to the text.

General Support

11. Summary: Comment agrees with statements made in the Department’s Notice of Proposed Rulemaking. (1-1)

Response: The Department appreciates this comment of support. No change has been made in response to this comment.

12. Summary: Comment states the Department’s emergency regulations should be made permanent without additional restrictions or subjective elements. (9-5.) “The implementation of SB 2 should reflect a balanced approach that prioritizes public safety while respecting the fundamental rights of responsible citizens.” (9-6.)

Response: No change has been made in response to this comment. The comments do not provide sufficient specificity for the Department to make any modifications to the text. The Department’s regulations are necessary for the reasons stated in the Initial Statement of Reasons (ISOR).

§ 4401. Uniform CCW License.

13. Summary: I agree, but if there's no harm, no foul, people do what they have to do. If you can create a better process of a license to carry without the additional items, do so. They are already in the process of doing it, it's just a slow process. (1-8.) Any changes to the CCW license design must ensure administrative efficiency without creating delays or imposing additional costs on applicants. (31-5.)

Response: No change has been made in response to this comment. The comments do not provide sufficient specificity for the Department to make any modifications to the text.

14. Summary: Section 4401 describes the specific uniform design standards for the CCW hard card. Though none of the narrative in this section requires the card to be any particular color, the graphic depiction of the example card is blue in color. Commenter believes that CCW-issuing authorities should have the choice of the color depicted on the card. Previous discussions about the hard card design contemplated using green instead of blue or allowing the issuing agency to choose the color and we argue that the regulations should accommodate this flexibility. (3-2.)

Response: Accept in part. The Department has updated the BOF 4501 and Section 4401 to allow licensing authorities to select green or blue.

§ 4410. CCW DOJ Certified Instructor Qualifications and Applications.

15. Summary: “Every instructor has been teaching firearm instructors for 10, 20 and 30 years. Why would you run them through a certified instructor course when they're the ones teaching?” (1-3.) Comment thinks the live-fire shooting requirements for CCW instructors are too difficult and unnecessary. (11-1.)

Response: No change has been made in response to this comment. Section 4410 is necessary for the reasons stated in the ISOR.

16. Summary: Comment supports the inclusion of training organizations such as the CHP, CDCR, and NRA in the expanded CCW training options. (9-2.) Comment supports the inclusion of CRPA as a training organization. (30-1.)

Response: The Department appreciates this comment of support. No change has been made in response to this comment.

17. Summary: Comment agrees that Firearm Safety Certificate (FSC) instructors are not qualified to be CCW instructors. However, comment states FSC instructors “can fall under the guidance of a training facility to teach them the proper criteria.” Comment agrees with the Department’s qualifications to become a CCW DOJ Certified Instructor but asks for an explanation of schools that are accredited to teach a firearm training course. (1-10.)

Response: No change has been made in response to this comment. The comments do not provide sufficient specificity for the Department to make any modifications to the text.

18. Summary: The Department should not allow NRA or CRPA instructors to teach CCW as neither has any training in the California legal system, the law, or de-escalation. The Department should require CCW to instructors to either a) possess an education requirement of an AA or BS degree in Criminal Justice or b) complete a PC 832 course. (4-1.)

Response: No change has been made in response to this comment. Section 4410 ensures the applicant has the minimum level of skill, knowledge, and competency to teach the course required by Penal Code section 26165.

19. Summary: The CCW instructor status should pertain to the entire state and not a particular county. (38-1.)

Response: No change has been made in response to this comment. A DOJ-Certified CCW instructor’s status applies to the entire state. However, licensing authorities select what course of training is acceptable, as long as it meets the minimum statutory criteria found in Penal Code section 26165.

§ 4411. Revoking CCW DOJ Certified Instructor’s Certification.

20. Summary: Comment neither agrees nor disagrees with the Department’s regulation. Comment states it “depends on the nature of what the incident that the certified instructor brought upon themselves in order to be in the classification of revoking their certification status. This is disheartening. For those who don't teach the process or understand the purpose behind having a concealed carry permit. Who doesn’t know how to present the material to individuals who apply for the permit. Who earned the privilege of having one.” (1-4.)

Response: No change has been made in response to this comment. The comments do not provide sufficient specificity for the Department to make any modifications to the text.

§ 4412. CCW DOJ Certified Instructor Qualifications and Applications for Peace Officers.

21. Summary: Commenter urges the regulations be amended to reinstate the provision from the emergency regulations that allowed active or retired peace officers who are POST-certified as firearms instructors to provide the CCW training course and exempted such officers from the DOJ certification procedure for CCW instructors. Given the level of training and firearm experience possessed by peace officers, commentor believes it is appropriate to allow those current or former public officials to deliver those instruction services without burdensome application processes. (3-1; 34-1.)

Response: No change has been made in response to this comment. This exemption was modified for the reasons stated in the ISOR.

22. Summary: Commenter urges the regulations be amended to reinstate the provision from the emergency regulations that exempted active or honorably retired peace officers who are POST-certified as firearms instructors from the DOJ certification procedure for CCW instructors. Eliminating the complete exemption will likely increase the administrative costs for county and city agencies to maintain the 4410 requirements for firearms instructors who also instruct CCW classes for their agencies. The amendments were not noticed for public comment. “[T]hese changes to 4412 are unjustified power grabs by the DOJ to remove latitude and authority from county and city agencies.” (39-1.)

Response: No change has been made in response to this comment. The amendments were noticed on January 3, 2025. This exemption was modified for the reasons stated in the ISOR. Modifying the existing exemption will not increase the administrative costs for law enforcement agencies.

§ 4421. Initial and Renewal Applicant Background Checks to Determine if Applicant Is Prohibited.

23. Summary: I disagree because the process of becoming an applicant is getting approved. It has nothing to do with. They not being allowed to purchase a firearm. That deals with different circumstances, i.e. if they have negligent or criminal backgrounds that can’t be removed from that record. It’s fully understood. With that being said, they’re not allowed to buy a gun in order to get a CCW. (1-5.)

Response: No change has been made in response to this comment. The comments do not provide sufficient specificity for the Department to make any modifications to the text.

§ 4431. Reviewing the Automated Firearms System.

24. Summary: Married partners should be allowed to have a particular firearm on their individual CCW license. (10-1.)

Response: Irrelevant. The comment is not directed at the proposed regulations or the rulemaking procedures followed. Penal Code section 26162 requires the applicant to be the recorded owner of the particular pistol, revolver, or other firearm capable of being concealed upon the person reported in the application for a CCW license or the application for the amendment to a license. The Department cannot implement regulations that alter or amend a statute or enlarge or impair its scope.

- 25. Summary:** Ownership status requirements and firearm listings should be eliminated or restructured to avoid undue limitations on the lawful exercise of Second Amendment rights. (31-4.)

Response: Irrelevant. The comment is not directed at the proposed regulations or the rulemaking procedures followed. Penal Code section 26162 requires the applicant to be the recorded owner of the particular pistol, revolver, or other firearm capable of being concealed upon the person reported in the application for a CCW license or the application for the amendment to a license. Penal Code section 26175, subdivision (i), requires the CCW license to contain a description of the weapon or weapons authorized to be carried. The Department cannot implement regulations that alter or amend a statute or enlarge or impair its scope.

§ 4432. Notifications, Records, and Annual Survey.

- 26. Summary:** “We would have to understand what record will be sent. And to whom? And for what reason?” (1-6.)

Response: No change has been made in response to this comment. The comments do not provide sufficient specificity for the Department to make any modifications to the text. Section 4432 is necessary for the reasons stated in the ISOR.

§ 4440. Signs Allowing Firearms on Private Property.

- 27. Summary:** I agree and disagree. Based on locations. For example, private property should be the responsibility of the property owner. Place of worship should be the responsibility of the pastor of the church, the Deacon, the priest, or whoever is the highest level of responsibility that represents that organization. (1-7.)

Response: No change has been made in response to this comment. The comments do not provide sufficient specificity for the Department to make any modifications to the text.

- 28. Summary:** SB 2 provides that a CCW holder shall not carry a firearm into a place of worship, or a privately owned commercial establishment open to the public unless the operators of those places post a sign indicating licensed concealed carry is permitted. Current case law has enjoined the enforcement of the prohibition on concealed carry in those locations, so it is unnecessary at this point to mandate the form and substance of the signs

since there is no currently enforceable law justifying the need for, or use of, such signs. This provision should be stricken as it will only create confusion. (3-3; 10-2; 17-1; 25-1; 37-2.)

Response: Accept. The Department has withdrawn section 4440.

29. Summary: Comment opposes the signage requirement imposed by Penal Code section 26230, subdivision (a)(26). Section 4440 is confusing and impractical. (7-1.)

Response: Accept in part. The Department has withdrawn section 4440.

Fiscal or Economic Impact

30. Summary: Comment is unsure why law enforcement agencies need to be reimbursed. (1-9.)

Response: Irrelevant. The comment is not directed at the proposed regulations or the rulemaking procedures followed. 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. (Pen. Code, § 26190, subds. (b) & (d).)

31. Summary: “[Y]ou are extorting the public by forcing them to pay for training, licensing, etc. [I]t is our constitutional right not to be monetized.” (20-2.)

Response: Irrelevant. The comment is not directed at the proposed regulations or the rulemaking procedures followed. 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. (Pen. Code, § 26190, subds. (b) & (d).) The cost of training is set by the CCW instructors.

LOCAL MANDATE DETERMINATION

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.

ALTERNATIVES DETERMINATIONS

In accordance with Government Code section 11346.9, subdivision (a)(4), the Department has determined that no alternative it considered, or that it otherwise identified, or was brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, 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 CCW 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.

ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

The Department has determined that this proposed action affects small businesses. 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.

The Department's regulations are necessary to ensure that CCW instructors have the minimum level of skill, knowledge, and competency to teach the course required by Penal Code section 26165.

DOCUMENTS INCORPORATED BY REFERENCE

- Concealed Carry Weapon Program DOJ Certified Instructor Application, Form BOF 1034 (Rev. 07/2025)
- 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)

These documents are incorporated by reference because it would be cumbersome, unduly expensive, or otherwise impractical to publish the documents in the California Code of Regulations. These documents were available upon request directly from the Department, and available on the Department's website at <https://oag.ca.gov/firearms/regs>.

NON-DUPLICATION

Some of the regulations may repeat or rephrase in whole or in part a state or federal statute or regulation. This was necessary to satisfy the clarity standard set forth in Government Code section 11349.1, subdivision (a)(3).

GOOD CAUSE STATEMENT

The Legislature authorized the Department to promulgate emergency regulations to implement Senate Bill 2. (Pen. Code, § 26225, subd. (d).) However, the emergency regulations will expire on January 1, 2026, if the Department does not adopt permanent regulations. (*Ibid.*)

The Notice of Proposed Rulemaking Action was published on January 3, 2025. After revising the proposed regulations in response to public comments, the package was then noticed for a 15-day public comment period on July 7, 2025.

The Department requests that these regulations become effective upon filing with the Secretary of State. 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 and by ensuring that CCW instructors have the minimum level of skill, knowledge, and competency to teach the course required by Penal Code section 26165. The uniform license can help reduce the use of fraudulent or fake licenses. Repealing section 4440 will reduce confusion.