



California State Sheriffs' Association

Organization Founded by the Sheriffs in 1894

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December 20, 2023

The Honorable Rob Bonta
Attorney General, State of California
1300 I Street
Sacramento, CA 95814

Sent via US Mail and Electronic Mail

RE: Passage of Senate Bill 2 (Chapter 249, Statutes of 2023)

Dear Attorney General Bonta:

The California State Sheriffs' Association (CSSA) is very disappointed with the passage of Senate Bill 2 (Chapter 249, Statutes of 2023). The law imposes significant new restrictions on the issuance of licenses to carry concealed firearms (CCW) and establishes overly broad limitations on where and when a licensed, law-abiding individual may carry a concealed firearm. Many, if not all, of the new requirements and restrictions imposed by Senate Bill 2 appear to violate the Second Amendment in contravention of the holding of the United States Supreme Court expressed in *New York State Rifle & Pistol Association, Inc., et al., v. Bruen*.¹ The California legislature, with the concurrence of the Governor, enacted Senate Bill 2, despite multiple meetings between CSSA and the California Department of Justice noting the constitutional deficiencies in Senate Bill 2 and its predecessor, Senate Bill 918. This trend in adoption of California laws negatively impacting residents' Second Amendment constitutional rights is quite troubling, to say the least.

Specifically, Senate Bill 2 imposes significant restrictions on the ability of law-abiding citizens to be licensed to carry concealed. The vast majority of CCW holders never commit crimes involving firearms or violence, yet the new law imposes overreaching provisions that have already been challenged in court, leaving uncertainty in issuance procedures. Instead of focusing on negatively impacting the rights of the law-abiding population of California, legislative efforts should focus on preventing crimes involving firearms committed by those who disobey the law and holding those persons accountable for their actions that undermine the rule of law and create an unsafe living environment for everyone in the state.

¹ *New York State Rifle & Pistol Association v. Bruen*, Superintendent of N.Y. State Police, (2022) 142 S. Ct. 2111.

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To address the holding of the United States Supreme Court in *Bruen*, which struck down “good cause” requirements in CCW statutes, the legislature could have enacted a bill that simply eliminated that constitutionally infirm provision and left the remainder of CCW statutes, which have comprehensively and effectively governed the issuance of CCWs for years, alone. Instead, Senate Bill 2 creates an unnecessarily complicated, burdensome, and overreaching licensing scheme that invites judicial scrutiny and seems destined to be struck down, in part or in whole. The new workload resulting from vetting procedures and a codified judicial appellate process for persons denied a CCW license will burden issuing authorities, court officers, and the judiciary with little or no increase in public safety and will inevitably result in an increase of civil litigation.

Senate Bill 2 also fails to explicitly resolve the longstanding issue of not being able to record joint ownership of a firearm, an issue specifically raised by CSSA with respect to Senate Bill 918 previously. By not accommodating persons who lawfully and jointly own a firearm to be able to list that same firearm on multiple CCWs, the new law will likely encourage the proliferation of gun purchases.

Further, the bill greatly restricts when and where licensees may carry concealed and could severely restrict the exercising of the right. As noted by the Supreme Court in *Bruen*, “[a]lthough the historical record yields relatively few 18th- and 19th-century “sensitive places” where weapons were altogether prohibited—e.g., legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions.” *Id.* at 2133, emphasis added. Rather than adhere to this guidance from the Supreme Court, the legislature created Senate Bill 2, which lists numerous places where an individual cannot lawfully carry a concealed firearm, including many commercial establishments, restaurants, places of public gatherings and locations for mass transit, including the parking areas adjacent thereto, wherein many crimes of violence towards law abiding persons occur. Again, individuals who go through the process to carry concealed legally are exceedingly unlikely to commit crimes of violence using firearms, yet Senate Bill 2 turns much of the state into “no-carry” zones that will impair the public safety of those same law-abiding residents of this state.

We urge California stakeholders to carefully scrutinize future action that impairs the safety of this great state’s residents and undermines their constitutional rights to self-defense and defense of others.

Sincerely,



Mike Boudreaux, CSSA President
Sheriff, Tulare County

cc: Carmen Green, CSSA Executive Director
Jim Touchstone, CSSA Legal Counsel
Cory Salzillo, CSSA Legislative Director
California Sheriffs