

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 temporarily maintained the status quo by issuing an administrative stay on this injunction.

January 6, 2024: The Ninth Circuit Court of Appeals removed the stay this weekend, 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."

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's Decision:

The court sided with the plaintiffs, declaring that SB2's restrictions nearly eliminate the right to armed self-defense in public, considering most public spaces as "sensitive."

The court recognized the fundamental right to self-defense and emphasized the reliability and law-abiding nature of CCW holders. As a result, the court issued a preliminary injunction against enforcing the challenged SB2 provisions.

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."

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