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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE, Plaintiff and Respondent, v. PETER DOUGLAS NEW, Defendant and Appellant.	B339342 (Los Angeles County Super. Ct. No. 24CJPC00233)

APPEAL from an order of the Superior Court of Los Angeles County, Kerry L. White, Judge. Affirmed.

Criminal Defense Heroes, Donald R. Hammond; Jeff Lewis Law, Jeffrey Lewis and Kyla Dayton for Defendant and Appellant.

Rob Bonta, Attorney General, Thomas S. Patterson, Senior Assistant Attorney General, R. Matthew Wise, Supervising Deputy Attorney General, and Kevin L. Quade, Deputy Attorney General, for Plaintiff and Respondent.

Peter Douglas New appeals from a trial court order upholding the Burbank Police Department's denial of his application for a concealed carry weapon (CCW) license. (See current & former Pen. Code, § 26150 et seq.)[1] Appellant contends the trial court erred by concluding the CCW laws required him to provide full and accurate information on his application.

We reject appellant's argument and affirm.

STATUTORY BACKGROUND

State law prohibits carrying a concealed firearm in public. (§ 25400, subd. (a).) This prohibition does not apply to any person "who is authorized to carry [one] in a concealed manner pursuant to Chapter 4 (commencing with Section 26150)." (§ 25655; see *People v. Roberts* (2025) 114 Cal.App.5th 187, 196.) Shortly before appellant's application, the Legislature amended the CCW laws to conform with *New York State Rifle & Pistol Ass'n v. Bruen* (2022) 597 U.S. 1 (*Bruen*). *Bruen* invalidated statutes requiring applicants to "prove that 'proper cause exists'" to issue a CCW license to them. (*Id.* at pp. 1, 12, 71; see Stats. 2023, ch. 249, §§ 1, 10–28; Sen. Com. on Public Safety, Background Information Request on Sen. Bill No. 2 (2023–2024 Reg Sess.) p. 2.) The amended CCW laws now require the issuance of a CCW license unless certain disqualifying criteria apply. We now discuss "shall-issue" CCW provisions that applied at the time of appellant's application and review hearing.

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[1] Subsequent unspecified references to statutes are to the Penal Code.

A. Initial Application Process

The licensing process begins when an applicant submits a standardized application with the county sheriff or local police department. (Former §§ 26150, subds. (a)–(c), 26155, subd. (a), 26175, subd. (a)(1)(A).) Each form application must summarize state law, including automatic disqualifying criteria, and require the applicant provide information "sufficient to make a determination of whether [they are] a disqualified person pursuant to Section 26202." (Former § 26175, subds. (b), (c)(1); see former §§ 26150, subd. (a)(1), 26155, subd. (a)(1), 26170, subd. (a).)

B. Disqualifying Criteria, Revocation, and Criminal Liability

Former section 26202, one of two provisions at issue in this appeal, provides that an applicant "shall be deemed to be a disqualified person" under certain circumstances. (Former § 26202, subd. (a).) An applicant is disqualified if they are reasonably likely to be a danger to self or others "as demonstrated by anything in the application for a license or through [an] investigation." They are also disqualified if, for instance, they are subject to certain restraining orders, are abusing controlled substances, or have been convicted of certain crimes. (Former § 26202, subds. (a)(1)–(10).)

The second provision at issue here, former section 26195, subdivision (b)(1)(C) (former section 26195(b)(1)(C)), prescribes a mandatory duty to revoke any CCW license "if at any time" the licensing authority determines or is notified that "[a]ny information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or

incomplete." It is a misdemeanor to knowingly make false statements on an application and a felony to knowingly make false statements regarding the applicant's criminal conviction, use of a controlled substance, and other relevant facts. (§ 26180, subds. (a)–(b).)

C. Application Determination and Hearing Procedures

Within 120 days of receiving a completed application and following a mandatory background investigation into information provided on the application, the licensing authority must approve or deny a CCW license application in writing. (Former §§ 26202, subd. (b), 26205, subd. (a).) If denying a license, the licensing authority must state which requirement(s) was not satisfied and inform the applicant they may request a review hearing before the superior court. (Former §§ 26205, subd. (c), 26206, subd. (a).)

At any review hearing, the People (represented by the district attorney) "shall be the plaintiff in the proceeding" and bear the burden of showing by a preponderance of the evidence that the applicant is disqualified in accordance with former section 26202. (Former § 26206, subds. (d)(1), (e).)

FACTUAL BACKGROUND

In August 2023, appellant submitted a standard form CCW application to the Burbank Police Department (Department). In that application, appellant was asked whether he was a party to a lawsuit in the last five years, was or had been subject to a restraining order, had ever been involved in a domestic violence incident, or had ever been convicted of any criminal offense. To each question, appellant answered, "NO."

During an in-person interview in January 2024 (see former § 26202, subd. (b)(1)), appellant confirmed he did not wish to make any changes or disclose additional information on his application. In response, Department investigators informed appellant they discovered a prior arrest in October 2013 resulting in a misdemeanor conviction in the state of Georgia and another arrest in July 2022 by the United States Army. Appellant told investigators he did not disclose the first arrest and conviction because he thought the conviction was dismissed, though he recalled paying a fine. Appellant did not disclose the other incident because he had not been placed in handcuffs and was not charged. Through additional questioning, appellant revealed two protective orders were issued against him in 2022 that were later dismissed.

In February 2024, the Department received five police reports discussing appellant's involvement in domestic disturbances or assaults between August and November 2022 in the state of Georgia.

In March 2024, the Department gave appellant written notice denying his CCW application for failing to disclose prior arrests, domestic violence incidents, and temporary protective orders. Appellant filed a request for a review hearing the following month. The court received the parties' submission of evidence and held a June 2024 review hearing. Following argument by the parties, the court found the People met their burden because appellant failed to disclose this background information in his application.

DISCUSSION

Appellant contends the CCW laws effective at the time of his hearing did not disqualify him from obtaining a license for filing a false or incomplete application. While noting this requirement is not spelled out in the disqualifying criteria, the Attorney General contends it is necessarily implied by the manifest purpose and function of the CCW laws. Consistent with the statutory scheme and the Legislature's recent clarification on this very issue, we conclude the Attorney General has the better argument.

A. Governing Principles

When interpreting the CCW laws, we review the trial court's ruling de novo and exercise our independent judgment. (*People v. Miller* (2018) 23 Cal.App.5th 973, 980.) Our review is guided by well-established canons "'"to determine the Legislature's intent so as to effectuate the law's purpose. We first examine the statutory language, giving it a plain and commonsense meaning. We do not examine that language in isolation, but in the context of the statutory framework as a whole in order to determine its scope and purpose and to harmonize the various parts of the enactment. If the language is clear, [we] must generally follow its plain meaning unless a literal interpretation would result in absurd consequences the Legislature did not intend. If the statutory language permits more than one reasonable interpretation, [we] may consider other aids, such as the statute's purpose, legislative history, and public policy." [Citation.]'" (*City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 616–617.)

When questions of statutory uncertainty arise, we must consider "'"the consequences that will flow from a particular interpretation. [Citation.] In this regard, it is presumed the Legislature intended reasonable results consistent with its expressed purpose, . . ."' [Citations.]" (*Hellinger v. Farmers Group, Inc.* (2001) 91 Cal.App.4th 1049, 1056.)

B. Analysis

We conclude the former and current CCW laws prohibit licensing authorities from issuing licenses to applicants who knowingly provide inaccurate or incomplete information on their applications. This conclusion furthers legislative intent and avoids absurd consequences.

Beginning with intent, *the* fundamental goal of California's "shall-issue" CCW laws is a licensing scheme that accords deference to "the history of the Second Amendment [that also] protects the public from the scourge of gun violence." (Sen. Com. on Public Safety, Background Information Request on Sen. Bill No. 2, *supra*, at p. 8.) The author statement of the bill enacting the shall-issue laws provides: "'Gun violence continues to plague our communities. More guns in more places means more people are going to lose their lives. . . . The presence of firearms in public increases the dangers of intentional or accidental gun violence—at the workplace, at the movies, or on the road.'" (*Id.* at p. 6.) The shall-issue statutes were designed to provide "'objective, reasonable guidance that prevents CCW permits from being issued to dangerous individuals and provides a list of places where weapons may not be carried.'" (*Id.* at p. 7.)

To effectuate this intent, the Legislature codified application and investigation provisions to ascertain an

applicant's background through various "disqualification" criteria. (Former §§ 26150, subd. (a)(1)–(5), 26155, subd. (a)(1)–(5), 26170, subd. (a)(1)–(4), 26195, subds. (a), (b)(1), 26202, subd. (b)(1)–(6).) In this process, every form application "shall require" any information "sufficient to make a determination" whether an applicant meets disqualifying criteria, such as posing a danger to self, others, or the community, being a convicted felon, or abusing controlled substances. (Former § 26175, subd. (c)(1).) If, at any time, an applicant provides inaccurate or incomplete information in an application, their license must be revoked, and they may be subject to criminal liability. (Former §§ 26195(b)(1)(C), 26180, subds. (a), (b).) Together, these statutes envision an informed and effective investigation to ensure that only those suitable for carrying a concealed weapon are licensed to do so.

Appellant argues the disqualifying criteria in former section 26202 are exclusive and do not "include anything akin" to providing false or incomplete information on an application. While conceding former section 26195(b)(1)(C) permits a licensing authority to revoke a CCW license if it determines the licensee failed to provide accurate and complete information, he presumes (without any authority or analysis) this statute is only "meant to cover things that were not discovered during the application process."[2] In other words, appellant contends that when an applicant provides incomplete or false information, the licensing

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[2] This interpretation ignores the "if at any time" language in former section 26195(b)(1)(C). (See *Imperial Merchant Services, Inc. v. Hunt* (2009) 47 Cal.4th 381, 390 ["'Statutes must be interpreted, if possible, to give each word some operative effect'"].)

authority cannot deny his or her CCW, but can later revoke it for that reason.

Appellant's interpretation undermines the manifest purpose of the application process and would lead to absurd consequences. If applicants like appellant face no adverse licensing action for providing false or incomplete information, they have little incentive to provide any information relevant to a background investigation. This undermines the purpose of full and frank reporting, which "helps ensure the integrity of the system of keeping prohibited persons from possessing firearms. . . . A licensing authority does not necessarily possess all of the information necessary to determine an individual's eligibility. The submission of false information by an applicant could make it more difficult for the licensing authority to assess whether the applicant is eligible (e.g., submission of a false name would make it more difficult to perform a background check)." (*Hightower v. City of Boston* (1st Cir. 2012) 693 F.3d 61, 74–75 (*Hightower*).)

"'[W]hatever is necessarily implied in a statute is as much a part of it as that which is expressed.' [Citation.]" (*Turrieta v. Lyft, Inc.* (2024) 16 Cal.5th 664, 688.) """A necessary implication within the meaning of the law is one that is so strong in its probability that the contrary thereof cannot reasonably be supposed."" [Citation.]" (*Howard Jarvis Taxpayers Assn. v. County of Orange* (2003) 110 Cal.App.4th 1375, 1385–1386.) Such is the case here. It would be absurd for the Legislature to invite gamesmanship or dishonesty in an application designed to facilitate an investigation into a person's suitability to carry a concealed weapon. (Compare *Hightower*, *supra*, 693 F.3d at pp. 65–67, 72–76 [necessarily implying under similar CCW

scheme true and complete reporting on license application].) By necessary implication, we conclude appellant was disqualified under the CCW laws for knowingly providing false or incomplete information on his application.

Finally, any ambiguity in the former CCW laws has been extinguished. While this appeal was pending, the Legislature amended section 26195 to explicitly prohibit licensing authorities from issuing any new or renewal application if the applicant "knowingly provides any inaccurate or incomplete information in connection with an application for" a license. (§ 26195, subd. (a)(2), as amended by Stats. 2025, ch. 570, § 7.)

This change was made to "[c]larify" what the Legislature meant all along. (See Assem. Conc. Sen. Amends to Assem. Bill No. 1078 (2025–2026 Reg. Sess.) as amended Sept. 4, 2025, p. 1; *People v. Lee* (2018) 24 Cal.App.5th 50, 57.)[3] At most, this clarifying amendment applies retroactively to appellant's licensing proceedings. (See *Scott v. City of San Diego* (2019) 38 Cal.App.5th 228, 236.) At the very least, it reflects the Legislature's view on "the prior import of its statutes . . . [which] we cannot disregard . . . ." (*Western Security Bank v. Superior Court* (1997) 15 Cal.4th 232, 244.) By making express what was necessarily implied, the Legislature has definitively laid appellant's argument to rest.

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[3] When discussing this amendment, the Legislature noted: "Dishonesty itself suggests a state of mind intending to deceive or mislead, which could be useful information about a CCW applicant, while a minor spelling or grammar error would not have an intent attached and likely offers no information about the applicant." (Assem. Com. on Public Safety, Rep. on Assem. Bill No. 1078 (2025–2026 Reg. Sess.) as amended Apr. 1, 2025, p. 10.)

DISPOSITION

The order upholding appellant's disqualification is affirmed.

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MORI, J.

We concur:

ZUKIN, P. J.

TAMZARIAN, J.