



# ORANGE COUNTY SHERIFF'S DEPARTMENT CONSTITUTIONAL POLICING UPDATE

ISSUE DATE: OCTOBER 8, 2024  
BULLETIN #24 - 18



## LEGAL UPDATE

WOLFORD v. LOPEZ  
October 8, 2024

No. 23-16164, 23-4354,  
and 23-4356

CRIMINAL LAW  
CIVIL LIABILITY

Concealed Weapons  
2nd Amendment  
Illegal Seizure

## A Minute with Mary



## ENFORCEMENT OF CONCEALED WEAPONS LAWS

### Factual and Procedural Background

Senate Bill 2 (SB 2), effective January 1, 2024 banned guns on more than two dozen types of property and required all business owners to affirmatively post whether they would allow guns on their property.

In late December 2023, the U.S. District Court issued a preliminary injunction enjoining the state from enforcing multiple subdivisions of Cal. Penal Code § 26230(a). That statute designated multiple categories of sensitive locations where a person is prohibited from carrying a weapon, even if they have a Carry Concealed Weapon Permit (CCW). The state appealed.

### Case Overview

Two states' laws were before the 9th Circuit: California and Hawaii (like California, Hawaii had newly adopted laws regarding CCW permits and locations where firearms were restricted from being carried). For purposes of this update only California's laws are discussed.

The Ninth Circuit applied the *Bruen* test and looked at the history of place-based restrictions on carrying firearms in public places. The court spent a significant amount of time reviewing each location where SB 2 restricted firearms, and limited where firearms can be blanket-banned by state governments. The "Second Amendment encompasses the right to bear arms not only in publicly owned spaces, but also on private property that is generally open to the public." In the end, the injunction stopping enforcement of sensitive locations in SB 2 was reversed in some parts and affirmed in other.

A private property owner may restrict firearms and those restrictions are enforceable. But, the California law requiring the signage affirmatively stating guns are permitted is likely to be unconstitutional. Signage affirmatively allowing CCW holders to carry is only currently required in specific areas. A breakdown of the locations is on Page 2.

*"The court emphasized that you remain free to ban firearms on your private property. The important part is that the government can't decide this for you."*

*"When thinking of constitutional rights, remember they are the floor. States can add protections, but cannot take away from the rights and privileges provided in the constitution."*

*"Although the preliminary injunction has been lifted, the case is still pending in Court. Limited enforcement is legally permissible, but may change. Keep an eye out for legal updates as they unfold."*



**Carrying Concealed Weapons are Legally Prohibited at:**

- a. Intoxicating Liquor Venues: Any building or area controlled by establishments selling alcohol for on-premises consumption.
- b. Youth Centers & Playgrounds: Including adjacent streets and sidewalks.
- c. Public Parks & Athletic Areas: See Cal. Penal Code § 626.95. Including adjacent streets and sidewalks. CCW holders exempted if they must walk through those areas to go to their home, business, or vehicle.
- d. Department of Parks and Recreation & Fish and Wildlife Areas: Excluding designated hunting areas.
- e. Gambling Venues: Includes casinos, gaming establishments, and other gambling-related locations.
- f. Stadiums & Arenas: Encompassing their surrounding property and parking under their control.
- g. Public Libraries, Amusement Parks, Zoos, and Museums. Including parking under their control.

**Carrying Concealed Weapons are Legally\* Permitted at:**

- a. Medical Facilities: Including hospitals, mental health facilities, nursing homes, medical offices, and urgent cares locations.
- b. Public Transportation: Buses, trains, and related facilities. Including parking lots in control of the transportation authority.
- c. Public Gatherings: Events requiring federal, state, or local government permits. Restrictions cannot exceed 1000' of event or gathering. CCW holders exempted if they must walk through those areas to go to their home, business, or vehicle.
- d. Places of Worship: Subject to signage indicating that firearms are allowed.
- e. Financial Institutions
- f. Privately Owned Commercial Establishments: Subject to signage indicating that firearms are allowed.

In areas where signage is required, it must be a sign prescribed by the Department of Justice, 4"x6" or larger. The sign must be "clearly and conspicuously posted at the entrance of the building or on the premises." Cal. Penal Code § 26230(a)(26). The court did not define this requirement in detail. But, a sign should be visible to those who need to know that weapons are allowed on the premises.

\*Unless Private Property Owners Indicate Otherwise

**The Bottom Line:**

When thinking of constitutional rights, remember they are the floor. States can add protections, but cannot take away from the rights and privileges provided in the constitution.

This opinion looked back in time and used the *Bruen* test to see where guns were and were not allowed. Limited enforcement of Cal. Penal Code § 26230(a) is currently legally permissible. Although the preliminary injunction has been lifted, the underlying case is still pending in Court. Plaintiff's have petitioned for rehearing, which means the court's opinion may change.

OCSD Deputies should balance constitutional rights and individual property interests while remaining mindful this case is still pending in court. Use your training, tools, and experience to make the safest and most reasonable decision based on the facts before you. Keep an eye out for updates as they unfold.

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