

Ninth Circuit Court of Appeals Blocks California Carry Conceal Law

Wolford v. Lopez, No. 23-16164, 2024 WL 4097462 (9th Cir. 2024)

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Background:

In 2023, provisions of Senate Bill 2 (SB2) went into law under Penal Code § 26230 and outlined 26 specific “sensitive areas” where carrying a concealed weapon was prohibited – regardless of having a valid carry conceal (CCW) license.

SB2 also banned carrying a concealed firearm on privately owned commercial property, that is open to the public, unless the property owner posts a sign stating they consent to CCW holders carrying on their property.

The law was challenged in the case *Carralero v. Bonta* and the U.S. District Court for the Central District of California issued an injunction blocking enforcement of SB2 from taking effect in 2024. California Attorney General Rob Bonta appealed to the Ninth Circuit Court of Appeals.

Meanwhile another case, *Wolford v. Lopez*, challenged similar CCW restrictions based on Hawaii state law. The Ninth Circuit consolidated

the *Wolford* and *Carralero* cases and drafted one decision. Thus, for clarity, any further reference to *Wolford* applies to the Ninth Circuit decision and affects California law.

The Ninth Circuit’s Decision in *Wolford*:

On September 6, 2024, the Ninth Circuit issued its decision striking down the ban on CCW holders from carrying a firearm in the following areas: hospitals, public transit, gatherings that require a permit, places of worship, financial institutions, parking lots connected to those areas. (See PC §§ 26230(a)(7), (8), (10), and (22), (23)).

The places that are still banned by § 26230 PC – meaning carrying a concealed firearm is prohibited even with a valid CCW – include: bars/restaurants that serve alcohol, playgrounds, youth centers, parks, athletic facilities, most property controlled by Department of Parks and Recreation or Department of Fish and Wildlife, casinos, stadiums/arenas, public libraries, amusement parks, zoos, and museums; parking areas and similar areas connected to those places or to other sensitive places listed in the statute. (See PC §§ 26230(a)(9), (11), (12), (13), (15), (16), (17), (19), and (20)).

The Ninth Circuit also held that banning all CCW holders from going onto private property without consent was a sweeping limitation that implicated the Second Amendment. Thus, the Ninth Circuit also struck down § 26230(a)(26) PC. But in doing so, the Court also clarified that, “owners of private property remain free to ban the carry of firearms on their private property [and] [n]othing in the Second Amendment

disturbs that basic background principle of property law.”

For example: Government buildings and schools generally have posted warnings that carrying a weapon on the property is strictly prohibited. Likewise, private entities can also prohibit carrying a firearm into their establishments by posting similar signage stating that firearms are prohibited on the property.

Please let us know if you have any questions or would like a copy of the decision.

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