



Written by [Bob Adelman](#) on December 5, 2023

California Sued Over Concealed-carry Policy

Attempts to obstruct the clear ruling by the Supreme Court in *Bruen* (*New York State Rifle & Pistol Association, Inc. v. Bruen*) by the state of California and the cities of Los Angeles and La Verne have become so egregious that several Californians, along with the California Rifle & Pistol Association (CRPA) and Gun Owners of America (GOA) have sued them.

On Monday they [filed a complaint](#) that

challenges the constitutionality of carry permit issuance policies and laws that make it extremely difficult, if not outright impossible or impermissibly time consuming, for Plaintiffs to obtain permits to carry a concealed firearm in public and therefore to exercise their right to be armed in public, as guaranteed by the Second Amendment's text "bear arms," and as recognized by the Supreme Court in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*.



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Those policies, rules, restrictions, and other tactics included delaying — in some cases up to 16 months — the issuance of the permits. In other cases, in particular in the city of La Verne, anti-gun zealots jacked up the fees so much that they prohibited some citizens from even applying.

Other deliberate violations of the *Bruen* ruling included the refusal to honor permits issued by other states, along with requiring "psychological" interviews as part of the permitting process. "These policies," noted the complaint, "violate the Second and the Fourteenth Amendments" to the U.S. Constitution.

The majority opinion in *Bruen*, written by Supreme Court Justice Clarence Thomas in June 2022, anticipated such stalling tactics by recalcitrant and determined anti-gun politicians. Thomas wrote:

To be clear, nothing in our analysis should be interpreted to suggest the unconstitutionality of the 43 States' "shall-issue" licensing regimes, under which "a general desire for self-defense is sufficient to obtain a [permit]."

That said, because any permitting scheme can be put toward abusive ends, we do not rule out constitutional challenges to shall-issue regimes where, for example, lengthy wait times in processing license applications or exorbitant fees deny ordinary citizens their right to public carry.



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California is guilty on both counts. One of the complainants, Charles Messel, is still waiting for his permit application, submitted in July 2022, to be approved:

Plaintiff Charles Messel is a resident of Los Angeles County, a law-abiding citizen...

Mr. Messel submitted his CCW permit application to LASD on July 1, 2022.

Having heard nothing by April 2023, he contacted the department to inquire about his application. The response he received stated: "We were several months behind in opening and entering applications in our tracking system. Although you applied earlier, your application wasn't entered into our tracking system until 11/2/22. We are currently working on applications that went into our tracking system in July of 2022. Thank you for your patience."

As of the filing of this action, Mr. Messel has still not been issued a permit or received further communications about his application's status from LASD.

More than 16 months have elapsed since his initial application.

As for fees, the city of La Verne charges the following as part of the permitting process:

- \$398 for "Processing"
- \$150 for "Administrative" (and it's not clear how that's different from "processing")
- \$93 for Licensing
- \$20 for Livescan
- \$150 for Psychological Review
- \$20 for the card fee
- \$250 for an approved course (price can vary).

These fees price Clarence Rigali out of the market, which is the whole point:

Plaintiff Clarence Rigali is a resident of La Verne, a law-abiding citizen....

Mr. Rigali is 60 years old and disabled. He was a Union Millwright from 1981 until 2003, when he was injured in a serious power plant accident.

He possesses a Utah CCW permit, which required a criminal background check to obtain.

Mr. Rigali lives in a senior citizen mobile home park. Given his fixed income, the unreasonable and unjustifiable \$900 to \$1100 in fees and costs to apply for and obtain a La Verne CCW permit exceeds his modest means and that has prevented him even from applying for a permit.

He has been priced out of his constitutional rights.

The lawsuit noted the obstinacy of California's attorney general, named in the lawsuit:

Following the *Bruen* ruling, CRPA sent letters to all California sheriff's departments,



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including Los Angeles County.

The first letter was sent the day after the June 2022 *Bruen* ruling and explained that the “good cause” portion of California’s CCW permit issuance laws was no longer enforceable.

But rather than complying with the Supreme Court’s decision, the Attorney General [Rob Bonta] rebelled, responding to the *Bruen* ruling by claiming that local sheriffs and police chiefs in fact could **add** more steps and impose **additional** subjective considerations to the permit application process in light of *Bruen*.

On June 24, 2022, the Attorney General sent a Legal Alert to law enforcement officials across California, instructing it was proper under *Bruen* to apply a heightened “good moral character” requirement to the application process which included subjective considerations beyond the applicant passing a criminal and mental health background check.

In response to the Attorney General’s malicious and intentional attempt to undermine the *Bruen* ruling, CRPA sent a second letter to several sheriff’s departments, including LASD, reiterating that the Second Amendment, as clarified by the *Bruen* ruling, will only permit “narrow, objective, and definite” standards to be used in issuing permits to law-abiding citizens, and that they should ignore the Attorney General’s unlawful instruction to his subordinate law enforcement agencies.

In the months following CRPA’s correspondences to the county sheriffs, CRPA received responses from several departments stating that they would begin complying with *Bruen*.

In contrast, LASD never responded. [Emphasis in original.]

The complaint asks the court to declare that such efforts to obstruct, undermine, and otherwise ignore *Bruen* be declared unconstitutional. And to charge the defendants all legal costs and fees, along with “nominal damages” and “all other relief the court deems appropriate.”

Cam Edwards, a journalist with *Bearing Arms* who has been following the travesty in California from the beginning, expressed his relief that finally a lawsuit had been filed:

I am so glad to see this lawsuit filed, not only for the Californians who are still being denied their Second Amendment rights but for gun owners across the country who’ve wondered why their Second Amendment rights stop at their state line.

This is a hugely important case in the post-*Bruen* legal landscape, and an excellent opportunity to undo some of the damage California has done to our fundamental civil liberties.



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