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## License to Carry a Firearm (CCW)

### 218.1 PURPOSE AND SCOPE

The Sheriff is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

### 218.2 POLICY

The Shasta County Sheriff's Office will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

### 218.3 QUALIFIED APPLICANTS

In order to qualify for issuance of a license to carry a firearm, the applicant must meet certain requirements, including:

- (a) Be a resident of the County of Shasta County (Penal Code § 26150).
- (b) Be at least 21 years of age (Penal Code § 29610).
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.
- (e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).
- (f) Show good cause for the issuance of the license (Penal Code § 26150).
- (g) Pay all associated application fees. The first 20% of the local fee may be collected at the time of the initial application. These fees are set by statute and may not be refunded if the application is denied.
- (h) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (i) Complete required training (Penal Code § 26165).

### 218.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

#### 218.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).

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1. In the event of any discrepancies in the application or background investigation, the applicant may be required to clarify information for the Sheriff or authorized designee, for interpretation of the information (Penal Code Section 26175(a)).
2. If an incomplete application package is received, the Sheriff or authorized designee may do any of the following:
  - (a) Require the applicant to complete the package before any further processing.
  - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
  - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to the Shasta County Sheriff's Office for the required Department application fee.
  1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
  2. Full payment of the remainder of the application fee will be required upon issuance of a license.
  3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

Once the Sheriff or authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

#### **218.4.2 PHASE TWO**

This phase is to be completed only by those applicants successfully completing phase one.

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Sheriff or authorized designee. Scheduling may be made by phone or letter. During this stage, there will be further discussion, for clarification of information or for interpretation of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.

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1. The determination of good cause should consider the totality of circumstances in each individual case.
  2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
  3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).
- (b) The Sheriff may, based upon criteria established by the Sheriff, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The criteria is as follows, but is not limited to:
1. Persons who may have or have had a mental illness or disorder;
  2. Persons who have been voluntary or involuntary patients of a mental facility;
  3. Persons who are or have been under the care or treatment of a psychologist, psychiatrist, or psychotherapist;
  4. Persons who may have or have been treated for stress disorders;
  5. Persons who may have or have had suicidal ideations or attempts; or
  6. Persons who are or have been treated for clinical depressions, anger, alcoholism, or impulsive disorders.
- (c) The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).
- (d) The applicant shall complete a course of training approved by the agency, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).
- (e) The Sheriff reserves the right to deny any firearm to be listed on the license that has been altered to make it illegal or unsafe.

Once the Sheriff or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

Full payment of the remainder of the application fee will be required upon issuance of the license.

### **218.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM**

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant

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works. A chief of a municipal police department may not issue limited licenses (Penal Code § 26150).

An individual who is not a resident of the county but who otherwise successfully completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the County of Shasta (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

### **218.6 ISSUED FIREARMS PERMITS**

In the event a license to carry a firearm is issued by the Sheriff, the following shall apply:

- (a) The license will not be valid outside the state of California.
- (b) The licensee shall immediately notify this department of any restraining orders, criminal investigations, arrests or warrants that are issued against the licensee.
- (c) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.
  1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
- (d) The license may be laminated and/or may bear a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.
  1. Each license shall be numbered and clearly identify the licensee.
  2. All licenses shall be subjected to inspection by the Sheriff or any law enforcement officer upon request.
- (e) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
  1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
  2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (f) If the licensee's place of residence was the basis for issuance of a license and the licensee permanently moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).

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- (g) The licensee shall notify this department in writing within 10 days of any change of place of residency.

#### **218.6.1 LICENSE RESTRICTIONS**

- (a) The Sheriff may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:

1. Consumes or is under the influence of any alcoholic beverage while armed.
2. Being under the influence of any medication or drug, whether prescribed or not, which according to the licensee's treating physician or the manufacturers' warning labels provide notice that the drug(s) may impair mental and/or physical capabilities, while armed
3. Falsely representing him/herself as a peace officer.
4. Unjustified or unreasonable displaying of a firearm.
5. Committing any crime.
6. Carry concealed any firearms not listed on the license.
7. Interfering with any law enforcement officer's duties.
8. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
9. Loading the permitted firearm with illegal ammunition.
10. License is not valid outside the state of California.

- (b) The Sheriff reserves the right to inspect any license or licensed firearm at any time.

#### **218.6.2 AMENDMENTS TO LICENSES**

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to (Penal Code § 26215):

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change restrictions or conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Sheriff, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

#### **218.6.3 REVOCATION OF LICENSES**

Any license issued pursuant to this policy may be immediately revoked by the Sheriff for any of the following reasons:

- (a) The licensee has violated any of the restrictions or conditions placed upon the license.
- (b) The licensee becomes psychologically or medically unsuitable to carry a concealed firearm.

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- (c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.
- (d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).
- (f) As a result of an incident or matter involving the licensee, the Sheriff or designee may have the licensee surrender their license to the Sheriff's Office pending a review and/or investigation of the incident or matter. The licensee will be notified in writing when the license is revoked or returned to the licensee.
- (g) The criteria for revocation may include, but is not limited to:
  - 1. Consumes or is under the influence of any alcoholic beverage while armed.
  - 2. Being under the influence of any medication or drug, whether prescribed or not, which according to the licensee's treating physician or the manufacturers' warning labels provide notice that the drug(s) may impair mental and/or physical capabilities while armed.
  - 3. Falsely representing him/herself as a peace officer.
  - 4. Unjustified or unreasonable displaying of a firearm.
  - 5. Committing any crime.
  - 6. Carry concealed any firearms not listed on the license.
  - 7. Interfering with any law enforcement officer's duties.
  - 8. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
  - 9. Loading the permitted firearm with illegal ammunition.
  - 10. License is not valid outside the state of California.
  - 11. Incident(s) involving poor moral character or moral turpitude.

The issuance of a license by the Sheriff shall not entitle the holder to either a property or liberty interest as the issuance, amendment or revocation of such license remains exclusively within the discretion of the Sheriff as set forth herein.

If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

#### **218.6.4 LICENSE RENEWAL**

Generally, earlier than 60 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Sheriff for a renewal by:

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).
- (c) The Sheriff reserves the right to deny any firearm to be listed on the license that has been altered in a manner that makes it illegal or unsafe.
- (d) Paying a non-refundable renewal application fee.

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- (e) Completion of renewal form.

Once the Sheriff or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

#### **218.7 DEPARTMENT REPORTING AND RECORDS**

Pursuant to Penal Code § 26225, the Sheriff shall maintain a record of the following and immediately provide copies of each to the California DOJ:

- (a) The denial of a license
- (b) The denial of an amendment to a license
- (c) The issuance of a license
- (d) The amendment of a license
- (e) The revocation of a license

The Sheriff shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

#### **218.8 CONFIDENTIAL RECORDS**

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, commissioner or judge contained in an application or license shall not be considered public record (Government Code § 6254(u)(2)).

Any information in an application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).