



## Securing the Civil Rights of California Gun Owners

Mr. Brandon Combs  
The Calguns Foundation  
751 Laurel Street Suite 935  
San Carlos, CA 94070-3113  
(925) 335-6860 Voice  
(866) 733-6031 Fax  
bcombs@calgunsfoundation.org

Tuesday, May 31, 2011

San Francisco Sheriff Michael Hennessey  
City Hall, Room 456  
1 Carlton Goodlett Place  
San Francisco, CA 94102

**VIA FAX (415-554-7050) AND CERTIFIED US MAIL, RETURN RECEIPT REQUESTED**

Re: Firearm Carry License Policy, Applications

Dear Sheriff Hennessey,

The Calguns Foundation, Inc. ("CGF", the "Foundation") is a 501(c)(3) non-profit organization founded to protect and defend the civil rights of California's law-abiding gun owners. We are widely recognized for clarifying the definition of "assault weapon" in California by promulgating the Assault Weapons Identification Flow Chart, which is being adopted by law enforcement agencies throughout California. In addition, we have successfully defended many gun owners improperly charged with firearms crimes. CGF is also well known for our active and ongoing litigation in the field of Second Amendment and Fourteenth Amendment law. Recently, the Sacramento Sheriff's Department settled our Federal lawsuit against them by accepting the Second Amendment right of "self defense" as "good cause" for firearm carry permit ("CCW") applicants.

We seek the immediate adoption of an appropriate policy and practice for firearm carry licenses (and applications made therefore) that conform to the content requirements of, and standards set by, statute, case law, and both the state and federal constitutions. To this end, the Foundation has carefully examined correspondence to and from San Francisco County Sheriff's Department (the "Department"), as well as other material documents and public records. Our research shows that you have refused to accept and process applications for firearm carry permits, violating applicants' right to equal protection of the law, binding California appellate court precedent, and longstanding State statutes. Further, the Department appears to have an enduring lack of a firearm carry license policy, which is an express breach of statutory duty as a licensing authority. I address each of these concerns below.

### **PART I. THE DEPARTMENT'S REFUSAL TO ACCEPT AND PROCESS APPLICATIONS AND PUBLISH A STATUTORILY-REQUIRED POLICY CONSTITUTES A BREACH OF DUTY AND AN EQUAL PROTECTION VIOLATION**

Penal Code § 12050.2, enacted in 1999 by way of Assembly Bill 2022 (Wright), created two express duties for licensing authorities: (1) that all licensing authorities (including California's 58 sheriffs) create "a written policy" for applications to carry firearms, and (2) that the subject policy be "publish[ed] and [made] available" to the public "[w]ithin three months of the effective date of the act." As long ago as 2001, your Department publicly acknowledged that it was "mandated" to create and adopt a "written" policy. (See the May 22, 2001, letter from Mr. James Harrigan, Legal Counsel to the Sheriff, to Mr. Jim March, attached as **Exhibit A**.) The fact that you have no written policy in place today – over a decade later – is clear evidence that neither you nor your Department has fulfilled any duty under this and associated sections of the Penal Code.

In addition to the lack of a written policy, public records (acquired through a request under the California Public Records Act and San Francisco Sunshine Ordinance, attached as **Exhibit B**) indicate that you have an actual policy of accepting applications from a select few – and granting those privileged few a CCW permit - while refusing to accept and process applications from many others. Such refusal to accept and process applications has infringed on the applicants' Second Amendment right of self-defense, their right of equal protection (under both the state and federal constitutions), and is a breach of duty under California law.

**A. California Standard for Carry License Issuance Mandates Discretion**

As you know, permission to carry firearms shall be sought, as applicants did here, by an application under §§ 12050 and 12051 of the Penal Code. Those sections read, in pertinent part:

*Section 12050:* "(a) The sheriff of a county or the chief or other head of a municipal police department of any city or county and county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a resident of the county, may issue to such person a license to carry concealed a pistol, revolver, or together firearm for any period of time not to exceed one year from the date of the license.

"(b) A license may include any reasonable restrictions or conditions which the issuing authority deems warranted, including restrictions as to the time, place, and circumstances under which the person may carry a concealed firearm.

"(c) Any restrictions imposed pursuant to subdivision (b) shall be indicated on any license issued on or after the effective date of the amendments to this section enacted at the 1970 Regular Session of the Legislature."

*Section 12051:* "Applications for licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence, and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry the weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacture, the serial number and the caliber.

"Application and licenses shall be uniform throughout the state, upon forms to be prescribed by the Attorney General."

**B. The Department's Refusal to Make a Determination on Completed Applications Constitutes A Breach of Duty Under Penal Code § 12050, et seq.**

It is long standing precedent that blanket refusals to accept applications are unlawful. In *Salute v. Pitchess* (1976) 61 Cal. App. 3d 557 (attached hereto as **Exhibit C**), the petitioners alleged, and the sheriff admitted, that the sheriff had a fixed policy of not accepting applications under PC § 12050 except in a limited number of cases. The policy in *Salute v. Pitchess* was as follows:

The Sheriff's policy is not to issue any concealed weapons permit to any person, except for judges who express concern for their personal safety. In special circumstances, the request of a police officer holder who expresses concern for his personal safety would be considered . . . .

(*Id.*)

The court held that, "while a court cannot compel a public officer to exercise his discretion in any particular manner, it may direct him to exercise that discretion." *Id.* It went on to hold:

**We regard the case at bench as involving a refusal of the sheriff to exercise the discretion given him by the statute.** Section 12050 imposes only three limits on the grant of an application to carry a concealed weapon; the applicant must be of good moral character, show good cause, and be a resident of the county. **To determine, in advance, as a uniform rule, that only selected officials can show good cause is to refuse to consider the existence of good cause on the part of citizens generally and is an abuse, and not an exercise of, discretion.**

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It is admitted that no inquiry into the existence of good cause has ever been made in connection with the application of these petitioners, or of any other applicant outside the limited group of public officials. **It is the duty of the sheriff to make such an investigation and determination, on an individual basis on every application under section 12050.** (Emphasis added.)

Like that of the sheriff in *Pitchess*, your policy is an express breach of the statutory duty to make such investigation and determination on an individual basis on every application under Section 12050. Further, like the sheriff in *Pitchess*, your policy constitutes a blanket denial to some, but not others within a small class.

### **C. The Department's Refusal to Process Some Applications Constitutes an Equal Protection Violation**

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides that no State shall deny to any person within its jurisdiction the equal protection of the law, which "is essentially a direction that all persons similarly situated should be treated alike." *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985) (citation omitted). Strict scrutiny applies to government classifications that "impinge on personal rights protected by the Constitution" *Id.* at 440 (citation omitted). "Where *fundamental* rights and liberties are asserted under the Equal Protection Clause, classifications which might invade or restrain them must be closely scrutinized." *Hussey v. City of Portland*, 64 F.3d 1260, 1265 (9th Cir. 1995). (Emphasis added.)

The right to bear [loaded] arms, enumerated and protected in the Second Amendment to the United States Constitution, is a *fundamental right* of the people.<sup>1</sup> Administering a licensing program for carry permits so as to unjustly discriminate between persons in similar circumstances denies equal protection<sup>2</sup>. And, as discussed above, California generally regulates how individuals may exercise that

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<sup>1</sup> *McDonald v. Chicago*, 130 S.Ct. 3020 at 3042.

<sup>2</sup> *Guillory v. County of Orange*, 731 F.2d1379, 1383 (9th Cir. 1984).

right by requiring individuals to obtain permits before carrying in public. See, generally, Penal Code §§ 12025, 12031, and 12050, *et seq.*

Here, the Department has implemented what amounts to an unlawful arbitrary and capricious ban on the processing of applications for many new applicants, while simultaneously granting new (and possibly renewal) requests for licenses by other applicants. This unequal treatment clearly violates the Equal Protection Clause of the Fourteenth Amendment.

## **PART II. CONCLUSION**

In light of the foregoing, **CGF demands that you immediately create, adopt, and follow a written policy on applications for firearm carry licenses** (and applications made therefore) that conforms to all applicable law. In a good faith effort to assist the Department and avoid litigation, CGF provides its comprehensive model carry license policy and practices (attached as **Exhibit D**) for your use. If it would be expedient to you, we would be pleased to provide you with an editable copy of the model policy document.

Further, **CGF demands that you and your Department immediately begin accepting all applications** for firearm carry licenses and make a determination on the merits of each at the conclusion of the statutorily-defined process, including the initial application submittal, fingerprinting, and receipt of the Department of Justice background check report. Your respect for state law, due process, and San Francisco residents' constitutional rights is non-negotiable.

As an unfortunate byproduct of the City and County of San Francisco's enactment of the anti-gun owner Proposition H in 2005, San Francisco taxpayers paid approximately \$380,000 in legal fees to the prevailing parties (in addition to bearing the City and County's legal fees) when a California appeals court found it preempted by state law. Avoiding such an outcome here is as simple as following the law. The Department would do well to note that, "[ ] when it comes to regulating firearms, local governments" – such as yours – "are well advised to tread lightly."<sup>3</sup>

If we do not hear from you regarding the above on or by June 10, 2011, we will have no other choice but to seek judicial relief. Please do not hesitate to contact our counsel, Mr. Jason Davis, if you have any questions or if you wish to discuss these issues in detail. Mr. Davis may be reached at (949) 436-4867, or by email at [jason@calgunlawyers.com](mailto:jason@calgunlawyers.com).

Sincerely,



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Mr. Brandon Combs  
Calguns Foundation

cc: Mr. Gene Hoffman, Chairman, Calguns Foundation  
Mr. Jason Davis, Counsel, Calguns Foundation  
Mr. Donald Kilmer, Counsel, Calguns Foundation  
Mr. Alan Gura, Counsel, Calguns Foundation  
Mr. Dennis Herrera, San Francisco City Attorney

encl.: Exhibits A through D

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<sup>3</sup> *Fiscal v. City and County of San Francisco*, 158 Cal.App.4th 895, 900-901, 70 Cal.Rptr.3d 324, 326-328 (2008).

## **EXHIBIT A.**

# City and County of San Francisco



OFFICE OF THE SHERIFF

Michael Hennessey  
SHERIFF

415 - 554 - 7225

May 22, 2001

Reference: LC 2001-048

Mr. Jim March  
*address deleted*  
Pittsburg, CA 94565


*Re: Public Records Request*

Dear Mr. March:

Thank you for your inquiry on concealed weapons permits. Sheriff Hennessey has not, in twenty- two years as the elected Sheriff of San Francisco, issued a permit to any applicant to carry a concealed weapon. His position is fairly well known and; therefore, there have been no requests in the past five years thus no denials to document or provide you.

Our mandated, written policy does not exist since they are never issued. I will, now that you have brought it to our attention, see that a policy that complies with the California Government code is drafted and incorporated in this agency's policy manual. Thank you for your interest in this matter.

Very truly yours,

  
JAMES F. HARRIGAN  
Legal Counsel to the Sheriff

## **EXHIBIT B.**

# City and County of San Francisco

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## OFFICE OF THE SHERIFF

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Michael Hennessey  
SHERIFF

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(415) 554-7225

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August 13, 2010

Reference: LC 2010-029

Mr. Brandon Combs  
37200 Paseo Padre Parkway, #146  
Fremont, CA 94536

Dear Mr. Combs,

I will endeavor to reply to your Records Request and do so, below, by the enumerated paragraphs as stated in your July 16, modification to the original.

Please know that this office will not respond to correspondence sent via facsimile. This is because on July 23, you sent a fax transmission of undecipherable code of 127 pages. Your transmission began at 8:52 a.m. and ended at 10:50 a.m. thus effectively precluding the receipt, by the Sheriff's Office, of law enforcement bulletins in criminal investigations.

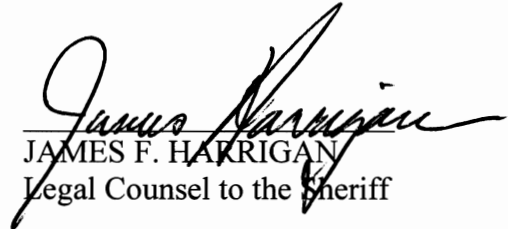
You may not have intended this result but, if so, it was an outrageous misuse of access to government.

1. All information requested is not in the form/format you specify, therefore as to original items 1-7, your request is withdrawn as you so state.
2. There do not appear to be any records we have retained that are to or from the Department of Justice (DOJ). There is a pending survey (due a response by August 31, 2010) which asks for the "total number of Carry a Concealed Weapon (CCW) licenses issued to reserve peace officers and judges." The answer is zero (0).
3. Enclosed are the two documents responsive to your modified request.



4. There is one (1) CCW issued in the time period identified. There was an earlier CCW that expired during the time period and not sought to be renewed. Documents enclosed.

Very Truly Yours,



JAMES F. HARRIGAN  
Legal Counsel to the Sheriff

enclosures:

State of California, Department of Justice  
Standard Application for CCW License

Section 7 - Investigator's Interview Notes

Applicant Name: HARRIGAN JAMES F.  
Last First Middle

Date of Birth: [REDACTED] Age: [REDACTED]

Social Security No.: [REDACTED]

California DL/ID No.: N0563042

Driver's License Restrictions: NONE

Residence Address: [REDACTED] San Francisco, Ca. 94118  
Number Street Apt. City State Zip

Mailing Address (if different):

Number Street Apt. City State Zip

Home / Personal Phone Numbers: (415) [REDACTED]

Spouse's Name and Address:

Applicant Occupation: LEGAL COUNSEL TO SHERIFF OF SF

Business / Employer Name: City & County of San Francisco

Business Phone Number: (415) 554-7225

Business Address: Room 456, City Hall S.F., CA. 94102  
Number Street Apt. City State Zip

1. List all previous home addresses for the past five years.

[REDACTED]

State of California, Department of Justice  
Standard Application for CCW License

Section 7 - Investigator's Interview Notes - (continued)

If the CCW license is desired for self-protection, the protection of others, or for the protection of large sums of money or valuable property, you are required to explain and provide good cause for issuance of the license. For example, has your life or property been threatened or jeopardized? Explain incidents and include dates, times, locations, and names of police agencies to which these incidents were reported.

Details of Reason for Applicant Desiring a CCW License (use additional sheets if needed).

*THREAT OF POSSIBLE PHYSICAL VIOLENCE  
EXISTS IN PERSON OF AN ARMED DEPUTY  
FACING TERMINATION WHO HAS EXHIBITED  
PSYCHOLOGICAL INSTABILITY AND FOCUSES  
ON APPLICANT. THIS PERSON HAS STATED*

*[REDACTED]*

*[REDACTED]*

**License To Carry Concealed Pistol, Revolver, or Other Firearm  
Within the State of California**

Issued By:

Agency S.F. Sheriff's Dept. Date of Issue 10/3/08

"ORI" CA0380000 Expiration Date \_\_\_\_\_

Local Agency Number 500269 CI # 98095292

Initial Kevin D. Harrigan

Subsequent \_\_\_\_\_

Signature and Title of Issuing Officer

Name of Licensee JAMES F. HARRIGAN

Residence Address \_\_\_\_\_

City SAN FRANCISCO Zip \_\_\_\_\_ County SAN FRANCISCO

Business Address S.F. CITY HALL Occupation LEGAT-CON

Birthdate \_\_\_\_\_ Hgt' 6'11" Wgt' 210 Eye Color BRN Hair Color BRN

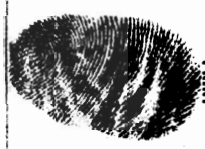
LICENSE TYPE: Employ  Standard  Judicial  Reserve  Custodial

**SECTION B - Description of Weapon(s)**

Manufacturer  Glock  Serial Number  BZV955 US  Caliber  9MM  Model  26

Restrictions (if any)

**RIGHT THUMB  
PRINT**



*James W. Stearns*  
Signature of Licensee

99 32872

Photo (optional)  
FD 4501 (10/99)

# San Francisco Sheriff's Department

The person identified by this card is hereby issued a permit to carry a concealed weapon pursuant to California Penal Code Section 12027(i)

**Thomas J. Purcell**

**Federal Bureau of Investigations, Retired 01/12/02**

DOB: [REDACTED]

[REDACTED]  
San Francisco, CA

CCW: APPROVED Expires 06/01/08

This card is the property of the San Francisco Sheriff's Department

1 Dr. Carlton B. Goodlett Place  
City Hall, Room 456  
San Francisco, Ca. 94102  
(415) 554-7225



MICHAEL HENNESSEY, SHERIFF  
 ROOM 456 CITY HALL  
 1 DR. CARLTON B. GOODLETT PLACE  
 SAN FRANCISCO, CA 94102-4676



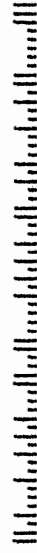
02 1M  
 000 4259 490  
**\$ 00.46<sup>0</sup>**  
 AUG 16 2010  
 MAILED FROM ZIP CODE 94103



PRESORTED  
 FIRST CLASS

Mr. Brandon Combs  
 37200 Paseo Padre Parkway, #146  
 Fremont, CA 94536

F-EZSS1 94536



## **EXHIBIT C.**



61 Cal.App.3d 557 (1976)  
132 Cal. Rptr. 345

**EUGENE M. SALUTE et al., Plaintiffs and Appellants,**  
**v.**  
**PETER PITCHESS, as Sheriff, etc., Defendant and Respondent.**

Docket No. 47881.

Court of Appeals of California, Second District, Division Four.

August 26, 1976.

COUNSEL

Eugene M. Salute and Richard F. Murkey, in pro. per., for Plaintiffs and Appellants.  
John H. Larson, County Counsel, and John P. Farrell, Deputy County Counsel, for Defendant and Respondent.

OPINION

KINGSLEY, Acting P.J.

Petitioners appeal from an order dismissing their petition for a writ of mandate, after a demurrer to that petition had been sustained.[1] For the reasons set forth below, we reverse the order. Petitioners were and now are duly admitted attorneys-at-law and were duly licensed private investigators. As investigators they applied to respondent Sheriff of Los Angeles County for a permit to carry concealed weapons and their application was rejected. They sought relief in the trial court with the result above stated.

As duly licensed private investigators, petitioners are authorized to carry loaded firearms on their persons and in automobiles. (Pen. Code, § 12031, subd. (b)(7).) However, that section does not cover the carrying of such weapons in a concealed manner. Permission to carry a concealed weapon may be sought, as petitioners did here, by an application under sections 12050 and 12051 of the Penal Code. Those sections read as follows:

Section 12050: "(a) The sheriff of a county or the chief or other head of a municipal police department of any city or city and county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a resident of the county, may issue to such person a license to carry concealed a pistol, revolver, or other firearm for any period of time not to exceed one year from the date of the license.

"(b) A license may include any reasonable restrictions or conditions which the issuing authority deems warranted, including restrictions as to the time, place, and circumstances under which the person may carry a concealed firearm.

"(c) Any restrictions imposed pursuant to subdivision (b) shall be indicated on any license issued on or after the effective date of the amendments to this section enacted at the 1970 Regular Session of the Legislature."

Section 12051: "Applications for licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry the weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacturer, the serial number and the caliber.

"Applications and licenses shall be uniform throughout the State, upon forms to be prescribed by the Attorney General."

(1a) The petitioners allege, and the sheriff admits, that the sheriff has a fixed policy of not granting applications under section 12050 except in a limited number of cases. The policy was stated by Undersheriff Block as follows:

"The Sheriff's policy is not to issue any concealed weapons permit to any person, except for judges who express concern for their personal safety. In special circumstances, the request of a public office holder who expresses concern for his personal safety would be considered...." and "the outstanding permits issued by the Sheriff are only 24 in number."

(2) While a court cannot compel a public officer to exercise his discretion in any particular manner, it may direct him to exercise that discretion. (1b) We regard the case at bench as involving a refusal of the sheriff to exercise the discretion given him by the statute. Section 12050 imposes only three limits on the grant of an application to carry a concealed weapon: the applicant must be of good moral character, show good cause and be a resident of the county. To determine, in advance, as a uniform rule, that only selected public officials can show good cause is to refuse to consider the existence of good cause on the part of citizens generally and is an abuse of, and not an exercise of, discretion.

The petition before us alleges that petitioners are of good moral character and are residents of Los Angeles County. It is admitted that no inquiry into the existence of good cause has ever been made in connection with the application of these petitioners, or of any other applicant outside the limited group of public officials. It is the duty of the sheriff to make such an investigation and determination, on an individual basis, on every application under section 12050.

The order of dismissal is reversed for further proceedings consistent with this opinion.

Dunn, J. and Jefferson (Bernard), J., concurred.

Respondent's petition for a hearing by the Supreme Court was denied October 28, 1976. Tobriner, J., and Mosk, J., were of the opinion that the petition should be granted.

[1] The notice of appeal states that it is from the nonappealable order sustaining the demurrer. Since a formal order of dismissal was made and entered, and appears in the record before us, we treat the appeal as being from that appealable order. (Rule 1(a), Cal. Rules of Court.)

**EXHIBIT D.**

This and other CGF documents may be downloaded at  
[www.calgunsfoundation.org/resources/downloads](http://www.calgunsfoundation.org/resources/downloads)

###

(COUNTY / CITY OF XXXXX)  
XXX (SHERIFF'S / POLICE) DEPARTMENT  
FIREARM CARRY LICENSE ("CCW") POLICY

FIREARM CARRY LICENSE ("CCW") POLICY

XXX Department (the "Department") policy (no. XXX), entitled "Firearm Carry License ("CCW") Policy", is hereby adopted as of XXX date by XXX and shall constitute the policy and practices of the Department relating to licenses and applications for licenses to carry firearms. This policy conforms to Cal. Penal Code §§ 12050, *et seq.*

**1.1. PURPOSE AND SCOPE**

The (Sheriff / Chief of Police) is given the statutory authority to issue a license to carry a concealed firearm to residents within their (County / City). This policy will provide the Department's written process for the application and issuance of such licenses. Pursuant to Cal. Penal Code § 12050.2 (§ 26160), this policy shall be made accessible to the public.

**1.2. QUALIFIED APPLICANTS**

1.2.1. In order to **apply** for a license to carry a concealed weapon, the applicant **must** meet the following requirements:

1.2.1.1. Be a resident of XXX (County / City).

1.2.1.2. Be at least 18 years of age.

1.2.1.3. Be free from criminal convictions or other prohibiting conditions that would disqualify the applicant from carrying a concealed weapon. (Applicants may inquire as to their eligibility to possess and own firearms prior to submitting an application to carry a firearm by completing the "Personal Firearms Eligibility Check" form, which can be downloaded at <http://ag.ca.gov/firearms/forms/pdf/pfecapp.pdf>, and submitting it to the California Department of Justice in accordance with their instructions.)

1.2.1.4. Be of good moral character. For the purposes of this policy, "good moral character" shall be deemed to exist if the applicant may lawfully possess firearms.

1.2.1.5. Show good cause for the issuance of the license. For the purposes of this policy, the right of self-defense (stated as such) shall constitute "good cause".

### **1.3. APPLICATION PROCESS**

The application process for a firearm carry license shall consist of four phases. The applicant shall promptly complete all requirements of one phase before proceeding to the next.

#### **1.3.1. PHASE ONE - APPLICATION AND INITIAL FEES**

1.3.1.1. **New applicants (those who have never applied to this Department for a firearm carry “CCW” license) and applicants who currently have a CCW license issued by another licensing authority but are applying to this Department for the first time** (for example, a current CCW licensee who has recently moved into this jurisdiction) shall fully complete a Department of Justice "STANDARD APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON (CCW)", form BCIA 4012 (6/99), and return it and the initial fees to the Department. The application must be signed by the applicant to be considered complete. No other form is or shall be required of the applicant.

1.3.1.1.1. Standard application forms may be downloaded at the Department's website at [www.domain.tld](http://www.domain.tld). Applicants may also receive a free copy of the application at the following Department locations:

123 Main St., Anytown, CA 99999

1.3.1.1.2. Any person who files an application knowing that statements contained therein are false is guilty of a misdemeanor.

1.3.1.1.3. Any person who knowingly makes a false statement on the application regarding any of the following shall be guilty of a felony:

1.3.1.1.3.1. The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to Cal. Penal Code § 12050; a criminal conviction; a finding of not guilty by reason of insanity; the use of a controlled substance; a dishonorable discharge from military service; a commitment to a mental institution; a renunciation of United States citizenship.

1.3.1.1.4. This Department (does / does not) require an appointment to submit an application. (Appointments may be scheduled by calling (xxx) xxx-xxxx, by emailing [xxx@xxx.xx](mailto:xxx@xxx.xx), or on the internet by completing the form at [www.xxxxxxxx.ccc](http://www.xxxxxxxx.ccc)).

1.3.1.1.5. The completed application shall be returned by the applicant to the Department by (US Mail / courier / hand delivery) to the following address:

XXX Department, CCW Processing Unit, 123 Main St., Anytown, CA 99999

**CALGUNS FOUNDATION – PROPOSED CARRY LICENSE POLICY  
REV. 1.1 (5/11)**

- 1.3.1.1.6. If an incomplete application is received, the Department will inform the applicant of the deficiencies in writing. The applicant shall make the necessary corrections and re-submit the application in accordance with (1.3.1.1.4) and (1.3.1.1.5), above.
- 1.3.1.1.7. The applicant shall submit with the completed application a check or money order made payable to "XXX Department" in the amount of \$20.00 for the initial local fee, which is twenty percent (20%) of the total local fee of \$100.00. Local fees for processing applications are non-refundable and are not inclusive of the State of California/FBI background check, fingerprinting, training, or other required or allowable fees. The balance of the local fee shall be collected only if the application is approved at the time the license is issued.
- 1.3.1.1.7.1. Payment of local fees may be waived if the applicant has been deputized or appointed as a peace officer by the (Sheriff / Chief) of the Department pursuant to subdivision (a) or (b) of Cal. Penal Code § 830.6.
- 1.3.1.1.8. The applicant shall also submit with the completed application a check or money order in the amount of \$95.00 made payable to "XXX Department" for the Department of Justice background check and report.
- 1.3.1.2. **Renewal, previously-denied, and other applicants who were previously issued a firearm carry license by THIS DEPARTMENT whose fingerprints and DOJ background check fee HAVE NOT BEEN previously sent to the Department of Justice shall apply for a CCW as follows:**
- 1.3.1.2.1. All applicants who were previously issued a CCW license pursuant to Cal. Penal Code § 12050, *et seq.* whose fingerprints and fee HAVE NOT BEEN previously sent to the Department of Justice shall complete the application procedure in (1.3.1.1), above, no later than 90 days prior to the expiration of the license.
- 1.3.1.3. **Renewal, previously-denied, and other applicants who were previously issued a firearm carry license by this Department whose fingerprints and DOJ fee HAVE BEEN previously sent to the Department of Justice shall apply for a CCW as follows:**
- 1.3.1.3.1. **RENEWAL APPLICANTS & APPLICANTS PREVIOUSLY ISSUED A CCW BY THIS DEPARTMENT:** No later than 90 days prior to the expiration of their license, submit a signed and dated written request for license renewal by (US Mail / courier / hand delivery) to the following address:
- XXX Department, CCW Processing Unit, 123 Main St., Anytown, CA 99999
- 1.3.1.3.1.1. The applicant shall submit with the renewal request a check or money order in the amount of \$25.00 made payable to "XXX Department" for the local renewal fee.

**CALGUNS FOUNDATION – PROPOSED CARRY LICENSE POLICY  
REV. 1.1 (5/11)**

1.3.1.3.1.2. The applicant shall submit with the renewal request a check or money order in the amount of \$52.00 made payable to "XXX Department" for the Department of Justice background check and renewal fee.

1.3.1.3.1.3. No fingerprints shall be required; applicants proceed to Phase 3.

1.3.1.3.2. **PREVIOUSLY DENIED APPLICANTS:** Submit a dated written request for a CCW license by (US Mail / courier / hand delivery) to the following address:

XXX Department, CCW Processing Unit, 123 Main St., Anytown, CA 99999

1.3.1.3.2.1. The applicant shall submit with the request a check or money order in the amount of \$20.00 made payable to "XXX Department" for the initial local fee.

1.3.1.3.2.2. No fingerprints shall be required; applicants proceed to Phase Three.

**1.3.2. PHASE TWO - FINGERPRINTING & BACKGROUND CHECK**

1.3.2.1. Applicants who must submit fingerprints to the Department of Justice shall complete Phase Two as follows:

1.3.2.1.1. After the applicant has completed Phase 1, the Department shall take the applicants' fingerprints in the manner prescribed by the Department of Justice.

1.3.2.1.2. If the application and fees were hand-delivered by the applicant, the Department shall immediately take the fingerprints of the applicant and promptly forward them to the Department of Justice for processing.

1.3.2.1.3. If the application and fees were submitted to the Department by mail, courier, or any other way, the Department shall notify the applicant in writing of the time, date, and location for fingerprinting. The applicant shall appear at the scheduled time, and the Department shall take the fingerprints of the applicant and promptly forward them to the Department of Justice for processing.

1.3.2.1.3.1. If the applicant fails to appear at the scheduled time and provides no notice to the Department, it will be assumed that the applicant has abandoned the application and the applicant will be required to contact the Department to re-schedule the fingerprinting portion of the application process.

1.3.2.1.4. At the time of fingerprinting, the applicant shall submit a check or money order in the amount of \$XX.XX made payable to "XXX Department" for the standard local fee for print rolling.



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1.3.2.2. After the fingerprints and fee are forwarded to the Department of Justice, DOJ will promptly mail to the Department a report of all data and information pertaining to any applicant of which there is a record in its office, including information as to whether the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

1.3.2.3. <<*This department requires all applicants to undergo a psychological examination. Approved applicants shall be referred to a licensed psychologist used by the Department for the psychological testing of its own employees. The applicant may be charged for the actual cost of the testing in an amount not to exceed one hundred fifty dollars (\$150). Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary. The cost to the applicant for this additional testing shall not exceed one hundred fifty dollars (\$150).*>> (OPTIONAL)

**1.3.3. PHASE THREE - DETERMINATION**

1.3.3.1. After the applicant has completed phases One and Two (if required), and after the Department has received the Department of Justice background check report, the Department will make its determination upon the application. The Department shall give written notice to the applicant indicating if the license is approved or denied within 90 days of the initial application for a new license or a license renewal or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. No license shall be issued by any licensing authority until after receipt of the background check report from the Department of Justice.

1.3.3.2. Applicants who are denied may re-apply at any time by following the application process, above, as appropriate.

**1.3.4. PHASE FOUR - LICENSE ISSUANCE, GENERAL CONDITIONS, RESTRICTIONS**

1.3.4.1. Applicants that are approved must complete the required training in accordance with Section 1.4 of this policy and submit the original copy of their proof of training to the Department in a manner by which the Department accepts license applications.

1.3.4.2. The issued license shall set forth the licensee's name, occupation, residence and business address, his or her age, height, weight, color of eyes and hair, the reason for desiring a license to carry the weapon, and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacturer, the serial number, and the caliber. The license issued to the licensee may be laminated.

1.3.4.3. A civilian license is valid for two years from the date of the license and the period of validity will be noted on the issued license.

1.3.4.4. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.

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- 1.3.4.5. A license issued to any reserve peace officer as defined in Cal. Penal Code § 830.6 (a) or (b), or a custodial officer employed by the (Sheriff / Chief) as provided in Cal. 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.
- 1.3.4.6. The licensee shall notify this department in writing within ten days of any change of place of residency. If the licensee moves out of the jurisdiction of issuance, the license shall expire ninety (90) days after the licensee has moved.
- 1.3.4.7. A license may include any reasonable restrictions or conditions which the (Sheriff / Chief of Police) deems warranted, including restrictions as to the time, place, manner, and circumstances under which the person may carry a pistol, revolver, or other firearm capable of being concealed upon the person. Any restrictions shall be indicated on any license issued.
- 1.3.4.8. The license shall be revoked by the local licensing authority if at any time either the local licensing authority is notified by the Department of Justice that a licensee is prohibited by state or federal law from owning or purchasing firearms, or the local licensing authority determines that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.
- 1.3.4.9. If the Department revokes the license, the Department of Justice shall be notified of the revocation. The licensee shall also be immediately notified of the revocation in writing.

#### **1.4. TRAINING**

- 1.4.1. **For new license applicants**, the course of training shall be a minimum of X hours, performed by a Department-certified firearms trainer, and include instruction on at least firearm safety and the law regarding the permissible use of a firearm.
- 1.4.2. **For license renewal applicants**, the course of training shall be no less than four hours, performed by a Department-certified firearms trainer, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. No course of training shall be required for any person certified by the Department of Justice as a firearms instructor in order for that person to renew a license.
- 1.4.3. Proof of completion of the required training must be signed by the instructor and must not have been completed more than twelve months prior to the date of the application.

#### **1.5. AMENDMENTS TO LICENSES**

- 1.5.1. Any licensee may apply to amend a license at any time during the period of license validity by completing and submitting a standard DOJ Application for License Amendment form along with the local processing fee of \$10 to the Department. License amendment application forms may be found at the Department's website at [www.xxxxxxx.ccc](http://www.xxxxxxx.ccc).

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Applicants may receive a free copy of the application at the following Department locations:

XXX Department, CCW Processing Unit, 123 Main St., Anytown, CA 99999

1.5.2. Licensees may apply for an amendment for any or all of the following:

1.5.2.1. Add or delete authority to carry a firearm under the license;

1.5.2.2. Change restrictions or conditions previously placed on the license;

1.5.2.3. Change the address or other personal information of the licensee.

1.5.3. In the event that any amendment to a valid license is approved by the Sheriff, a new license will be issued reflecting the amendment(s).

1.5.4. An amendment to any license will not serve to extend the original expiration date, and an application for an amendment does not constitute an application for renewal of the license.

**1.6. LIMITED BUSINESS LICENSE TO CARRY A CONCEALED WEAPON**

**1.6.1.** The authority to issue a limited business license to carry a concealed weapon to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Cal. Penal Code § 12050(a)(2)(i)).

1.6.2. An individual who is not a resident of the County may apply for a limited license subject to approval of the Sheriff and the following:

1.6.2.1. The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the County of XXXX;

1.6.2.2. A limited business license will be valid for a period not to exceed 90 days from the date of issuance;

1.6.2.3. The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides;

1.6.2.4. Any application for renewal or re-issuance 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.

1.6.3. An individual who is qualified to submit an application for a limited business license under sections (2) and (6)(b)(a), above, shall complete all phases of the application process in accordance with this policy.

**1.7. DEPARTMENT REPORTING AND RECORDS**

- 1.7.1. Pursuant to Cal. Penal Code § 12053, the (Sheriff / Chief) shall maintain a record of the following and immediately provide copies of each to the Department of Justice:
  - 1.7.1.1. The denial of a license;
  - 1.7.1.2. The denial of an amendment to a license;
  - 1.7.1.3. The issuance of a license;
  - 1.7.1.4. The amendment of a license;
  - 1.7.1.5. The revocation of a license.
- 1.7.2. The Department shall annually submit to the State Attorney General the total number of licenses issued to reserve peace officers and judges.
- 1.7.3. Applications, licenses, and many related documents are partially or entirely public records and subject to access by any member of the public.

**CALIFORNIA CODES  
PENAL CODE  
SECTION 12050-12054**

12050. (a) (1) (A) The sheriff of a county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying satisfies any one of the conditions specified in subparagraph (D) and has completed a course of training as described in subparagraph (E), may issue to that person a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person in either one of the following formats:

(i) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(ii) Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(B) The chief or other head of a municipal police department of any city or city and county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a resident of that city and has completed a course of training as described in subparagraph (E), may issue to that person a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person in either one of the following formats:

(i) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(ii) Where the population of the county in which the city is located is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(C) The sheriff of a county or the chief or other head of a municipal police department of any city or city and county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a person who has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 by that sheriff or that chief of police or other head of a municipal police department, may issue to that person a license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person. Direct or indirect fees for the issuance of a license pursuant to this subparagraph may be waived. The fact that an

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applicant for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 shall be considered only for the purpose of issuing a license pursuant to this subparagraph, and shall not be considered for the purpose of issuing a license pursuant to subparagraph (A) or (B).

(D) For the purpose of subparagraph (A), the applicant shall satisfy any one of the following:

- (i) Is a resident of the county or a city within the county.
- (ii) Spends a substantial period of time in the applicant's principal place of employment or business in the county or a city within the county.

(E) (i) For new license applicants, the course of training may be any course acceptable to the licensing authority, shall not exceed 16 hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. Notwithstanding this clause, the licensing authority may require a community college course certified by the Commission on Peace Officer Standards and Training, up to a maximum of 24 hours, but only if required uniformly of all license applicants without exception.

(ii) For license renewal applicants, the course of training may be any course acceptable to the licensing authority, shall be no less than four hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. No course of training shall be required for any person certified by the licensing authority as a trainer for purposes of this subparagraph, in order for that person to renew a license issued pursuant to this section.

(2) (A) (i) Except as otherwise provided in clause (ii), subparagraphs (C) and (D) of this paragraph, and subparagraph (B) of paragraph (4) of subdivision (f), a license issued pursuant to subparagraph (A) or (B) of paragraph (1) is valid for any period of time not to exceed two years from the date of the license.

(ii) If the licensee's place of employment or business was the basis for issuance of the license pursuant to subparagraph (A) of paragraph (1), the license is valid for any period of time not to exceed 90 days from the date of the license. The license shall be valid only in the county in which the license was originally issued. The licensee shall give a copy of this license to the licensing authority of the city, county, or city and county in which he or she resides. The licensing authority that originally issued the license shall inform the licensee verbally and in writing in at least 16-point type of this obligation to give a copy of the license to the licensing authority of the city, county, or city and county of residence. Any application to renew or extend the validity of, or

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reissue, the license may be granted only upon the concurrence of the licensing authority that originally issued the license and the licensing authority of the city, county, or city and county in which the licensee resides.

(B) A license issued pursuant to subparagraph (C) of paragraph (1) to a peace officer appointed pursuant to Section 830.6 is valid for any period of time not to exceed four years from the date of the license, except that the license shall be invalid upon the conclusion of the person's appointment pursuant to Section 830.6 if the four-year period has not otherwise expired or any other condition imposed pursuant to this section does not limit the validity of the license to a shorter time period.

(C) A license issued pursuant to subparagraph (A) or (B) of paragraph (1) is valid for any period of time not to exceed three years from the date of the license if the license is issued to any of the following individuals:

- (i) A judge of a California court of record.
- (ii) A full-time court commissioner of a California court of record.
- (iii) A judge of a federal court.
- (iv) A magistrate of a federal court.

(D) A license issued pursuant to subparagraph (A) or (B) of paragraph (1) is valid for any period of time not to exceed four years from the date of the license if the license is issued to a custodial officer who is an employee of the sheriff as provided in Section 831.5, except that the license shall be invalid upon the conclusion of the person's employment pursuant to Section 831.5 if the four-year period has not otherwise expired or any other condition imposed pursuant to this section does not limit the validity of the license to a shorter time period.

(3) For purposes of this subdivision, a city or county may be considered an applicant's "principal place of employment or business" only if the applicant is physically present in the jurisdiction during a substantial part of his or her working hours for purposes of that employment or business.

(b) A license may include any reasonable restrictions or conditions which the issuing authority deems warranted, including restrictions as to the time, place, manner, and circumstances under which the person may carry a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) Any restrictions imposed pursuant to subdivision (b) shall be indicated on any license issued.

(d) A license shall not be issued if the Department of Justice determines that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(e) (1) The license shall be revoked by the local licensing

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authority if at any time either the local licensing authority is notified by the Department of Justice that a licensee is prohibited by state or federal law from owning or purchasing firearms, or the local licensing authority determines that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2) If at any time the Department of Justice determines that a licensee is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm, the department shall immediately notify the local licensing authority of the determination.

(3) If the local licensing authority revokes the license, the Department of Justice shall be notified of the revocation pursuant to Section 12053. The licensee shall also be immediately notified of the revocation in writing.

(f) (1) A person issued a license pursuant to this section may apply to the licensing authority for an amendment to the license to do one or more of the following:

(A) Add or delete authority to carry a particular pistol, revolver, or other firearm capable of being concealed upon the person.

(B) Authorize the licensee to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(C) If the population of the county is less than 200,000 persons according to the most recent federal decennial census, authorize the licensee to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(D) Change any restrictions or conditions on the license, including restrictions as to the time, place, manner, and circumstances under which the person may carry a pistol, revolver, or other firearm capable of being concealed upon the person.

(2) When the licensee changes his or her address, the license shall be amended to reflect the new address and a new license shall be issued pursuant to paragraph (3).

(3) If the licensing authority amends the license, a new license shall be issued to the licensee reflecting the amendments.

(4) (A) The licensee shall notify the licensing authority in writing within 10 days of any change in the licensee's place of residence.

(B) If the license is one to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person, then it may not be revoked solely because the licensee changes his or her place of residence to another county if the licensee has not breached any conditions or restrictions set forth in the license and has not become prohibited by state or federal law from possessing, receiving,



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owning, or purchasing a firearm. However, any license issued pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a) shall expire 90 days after the licensee moves from the county of issuance if the licensee's place of residence was the basis for issuance of the license.

(C) If the license is one to carry loaded and exposed a pistol, revolver, or other firearm capable of being concealed upon the person, the license shall be revoked immediately if the licensee changes his or her place of residence to another county.

(5) An amendment to the license does not extend the original expiration date of the license and the license shall be subject to renewal at the same time as if the license had not been amended.

(6) An application to amend a license does not constitute an application for renewal of the license.

(g) Nothing in this article shall preclude the chief or other head of a municipal police department of any city from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this article.

12050.2. Within three months of the effective date of the act adding this section, each licensing authority shall publish and make available a written policy summarizing the provisions of subparagraphs (A) and (B) of paragraph (1) of subdivision (a) of Section 12050.

12051. (a) (1) The standard application form for licenses described in paragraph (3) shall require information from the applicant including, but not limited to, the name, occupation, residence and business address of the applicant, his or her age, height, weight, color of eyes and hair, and reason for desiring a license to carry the weapon. Applications for licenses shall be filed in writing, and signed by the applicant. Any license issued upon the application shall set forth the licensee's name, occupation, residence and business address, his or her age, height, weight, color of eyes and hair, the reason for desiring a license to carry the weapon, and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacturer, the serial number, and the caliber. The license issued to the licensee may be laminated.

(2) Applications for amendments to licenses shall be filed in writing and signed by the applicant, and shall state what type of amendment is sought pursuant to subdivision (f) of Section 12050 and the reason for desiring the amendment.

(3) (A) Applications for amendments to licenses, applications for licenses, amendments to licenses, and licenses shall be uniform

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throughout the state, upon forms to be prescribed by the Attorney General. The Attorney General shall convene a committee composed of one representative of the California State Sheriffs' Association, one representative of the California Police Chiefs' Association, and one representative of the Department of Justice to review, and as deemed appropriate, revise the standard application form for licenses. The committee shall meet for this purpose if two of the committee's members deem that necessary. The application shall include a section summarizing the statutory provisions of state law that result in the automatic denial of a license.

(B) The forms shall contain a provision whereby the applicant attests to the truth of statements contained in the application.

(C) An applicant shall not be required to complete any additional application or form for a license, or to provide any information other than that necessary to complete the standard application form described in subparagraph (A), except to clarify or interpret information provided by the applicant on the standard application form.

(D) The standard application form described in subparagraph (A) is deemed to be a local form expressly exempt from the requirements of the Administrative Procedures Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Any person who files an application required by subdivision (a) knowing that statements contained therein are false is guilty of a misdemeanor.

(c) Any person who knowingly makes a false statement on the application regarding any of the following shall be guilty of a felony:

- (1) The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to Section 12050.
- (2) A criminal conviction.
- (3) A finding of not guilty by reason of insanity.
- (4) The use of a controlled substance.
- (5) A dishonorable discharge from military service.
- (6) A commitment to a mental institution.
- (7) A renunciation of United States citizenship.

12052. (a) The fingerprints of each applicant shall be taken and two copies on forms prescribed by the Department of Justice shall be forwarded to the department. Upon receipt of the fingerprints and the fee as prescribed in Section 12054, the department shall promptly furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office, including information as to whether the person is prohibited by state or federal law from possessing, receiving,

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owning, or purchasing a firearm. No license shall be issued by any licensing authority until after receipt of the report from the department.

(b) However, if the license applicant has previously applied to the same licensing authority for a license to carry firearms pursuant to Section 12050 and the applicant's fingerprints and fee have been previously forwarded to the Department of Justice, as provided by this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the Department of Justice on the copy of any subsequent license submitted to the department in conformance with Section 12053 and no additional application form or fingerprints shall be required.

(c) If the license applicant has a license issued pursuant to Section 12050 and the applicant's fingerprints have been previously forwarded to the Department of Justice, as provided in this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the Department of Justice on the copy of any subsequent license submitted to the department in conformance with Section 12053 and no additional fingerprints shall be required.

12052.5. The licensing authority shall give written notice to the applicant indicating if the license is approved or denied within 90 days of the initial application for a new license or a license renewal or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later.

12053. (a) A record of the following shall be maintained in the office of the licensing authority:

- (1) The denial of a license.
- (2) The denial of an amendment to a license.
- (3) The issuance of a license.
- (4) The amendment of a license.
- (5) The revocation of a license.

(b) Copies of each of the following shall be filed immediately by the issuing officer or authority with the Department of Justice:

- (1) The denial of a license.
- (2) The denial of an amendment to a license.
- (3) The issuance of a license.
- (4) The amendment of a license.
- (5) The revocation of a license.

(c) Commencing on or before January 1, 2000, and annually thereafter, each licensing authority shall submit to the Attorney General the total number of licenses issued to peace officers, pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of

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Section 12050, and to judges, pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a) of Section 12050. The Attorney General shall collect and record the information submitted pursuant to this subdivision by county and licensing authority.

12054. (a) Each applicant for a new license or for the renewal of a license shall pay at the time of filing his or her application a fee determined by the Department of Justice not to exceed the application processing costs of the Department of Justice for the direct costs of furnishing the report required by Section 12052. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget. The officer receiving the application and the fee shall transmit the fee, with the fingerprints if required, to the Department of Justice. The licensing authority of any city, city and county, or county may charge an additional fee in an amount equal to the actual costs for processing the application for a new license, excluding fingerprint and training costs, but in no case to exceed one hundred dollars (\$100), and shall transmit the additional fee, if any, to the city, city and county, or county treasury. The first 20 percent of this additional local fee may be collected upon filing of the initial application. The balance of the fee shall be collected only upon issuance of the license.

The licensing authority may charge an additional fee, not to exceed twenty-five dollars (\$25), for processing the application for a license renewal, and shall transmit an additional fee, if any, to the city, city and county, or county treasury. These local fees may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations.

(b) In the case of an amended license pursuant to subdivision (f) of Section 12050, the licensing authority of any city, city and county, or county may charge a fee, not to exceed ten dollars (\$10), except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations, for processing the amended license and shall transmit the fee to the city, city and county, or county treasury.

(c) If psychological testing on the initial application is required by the licensing authority, the license applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. The applicant may be charged for the actual cost of the testing in an amount not to exceed one hundred fifty dollars (\$150). Additional psychological testing of an applicant seeking license renewal shall be required

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only if there is compelling evidence to indicate that a test is necessary. The cost to the applicant for this additional testing shall not exceed one hundred fifty dollars (\$150).

(d) Except as authorized pursuant to subdivisions (a), (b), and (c), no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant may be imposed by any licensing authority as a condition of the application for a license.

**CALIFORNIA CODES  
PENAL CODE  
SECTION 26150-26225**

26150. (a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the sheriff of a county may issue a license to that person upon proof of all of the following:

- (1) The applicant is of good moral character.
- (2) Good cause exists for issuance of the license.
- (3) The applicant is a resident of the county or a city within the county, or the applicant's principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.
- (4) The applicant has completed a course of training as described in Section 26165.

(b) The sheriff may issue a license under subdivision (a) in either of the following formats:

- (1) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.
- (2) Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

26155. (a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the chief or other head of a municipal police department of any city or city and county may issue a license to that person upon proof of all of the following:

- (1) The applicant is of good moral character.
- (2) Good cause exists for issuance of the license.
- (3) The applicant is a resident of that city.
- (4) The applicant has completed a course of training as described in Section 26165.

(b) The chief or other head of a municipal police department may issue a license under subdivision (a) in either of the following formats:

- (1) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.
- (2) Where the population of the county in which the city is located is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in

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only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) Nothing in this chapter shall preclude the chief or other head of a municipal police department of any city from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.

26160. Each licensing authority shall publish and make available a written policy summarizing the provisions of Section 26150 and subdivisions (a) and (b) of Section 26155.

26165. (a) For new license applicants, the course of training for issuance of a license under Section 26150 or 26155 may be any course acceptable to the licensing authority, shall not exceed 16 hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.

(b) Notwithstanding subdivision (a), the licensing authority may require a community college course certified by the Commission on Peace Officer Standards and Training, up to a maximum of 24 hours, but only if required uniformly of all license applicants without exception.

(c) For license renewal applicants, the course of training may be any course acceptable to the licensing authority, shall be no less than four hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. No course of training shall be required for any person certified by the licensing authority as a trainer for purposes of this section, in order for that person to renew a license issued pursuant to this article.

26170. (a) Upon proof of all of the following, the sheriff of a county, or the chief or other head of a municipal police department of any city or city and county, may issue to an applicant a license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person:

(1) The applicant is of good moral character.

(2) Good cause exists for issuance of the license.

(3) The applicant has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 by that sheriff or that chief of police or other head of a municipal police department.

(b) Direct or indirect fees for the issuance of a license pursuant to this section may be waived.

(c) The fact that an applicant for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person

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has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 shall be considered only for the purpose of issuing a license pursuant to this section, and shall not be considered for the purpose of issuing a license pursuant to Section 26150 or 26155.

26175. (a) (1) Applications for licenses, applications for amendments to licenses, amendments to licenses, and licenses under this article shall be uniform throughout the state, upon forms to be prescribed by the Attorney General.

(2) The Attorney General shall convene a committee composed of one representative of the California State Sheriffs' Association, one representative of the California Police Chiefs' Association, and one representative of the Department of Justice to review, and as deemed appropriate, revise the standard application form for licenses. The committee shall meet for this purpose if two of the committee's members deem that necessary.

(b) The application shall include a section summarizing the statutory provisions of state law that result in the automatic denial of a license.

(c) The standard application form for licenses described in subdivision (a) shall require information from the applicant, including, but not limited to, the name, occupation, residence and business address of the applicant, the applicant's age, height, weight, color of eyes and hair, and reason for desiring a license to carry the weapon.

(d) Applications for licenses shall be filed in writing, and signed by the applicant.

(e) Applications for amendments to licenses shall be filed in writing and signed by the applicant, and shall state what type of amendment is sought pursuant to Section 26215 and the reason for desiring the amendment.

(f) The forms shall contain a provision whereby the applicant attests to the truth of statements contained in the application.

(g) An applicant shall not be required to complete any additional application or form for a license, or to provide any information other than that necessary to complete the standard application form described in subdivision (a), except to clarify or interpret information provided by the applicant on the standard application form.

(h) The standard application form described in subdivision (a) is deemed to be a local form expressly exempt from the requirements of the Administrative Procedures Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(i) Any license issued upon the application shall set forth the



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licensee's name, occupation, residence and business address, the licensee's age, height, weight, color of eyes and hair, and the reason for desiring a license to carry the weapon, and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacturer, the serial number, and the caliber. The license issued to the licensee may be laminated.

26180. (a) Any person who files an application required by Section 26175 knowing that any statement contained therein is false is guilty of a misdemeanor.

(b) Any person who knowingly makes a false statement on the application regarding any of the following is guilty of a felony:

- (1) The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to this article.
- (2) A criminal conviction.
- (3) A finding of not guilty by reason of insanity.
- (4) The use of a controlled substance.
- (5) A dishonorable discharge from military service.
- (6) A commitment to a mental institution.
- (7) A renunciation of United States citizenship.

26185. (a) (1) The fingerprints of each applicant shall be taken and two copies on forms prescribed by the Department of Justice shall be forwarded to the department.

(2) Upon receipt of the fingerprints and the fee as prescribed in Section 26190, the department shall promptly furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office, including information as to whether the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(3) No license shall be issued by any licensing authority until after receipt of the report from the department.

(b) Notwithstanding subdivision (a), if the license applicant has previously applied to the same licensing authority for a license to carry firearms pursuant to this article and the applicant's fingerprints and fee have been previously forwarded to the Department of Justice, as provided by this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the Department of Justice on the copy of any subsequent license submitted to the department in conformance with Section 26225 and no additional application form or fingerprints shall be required.

(c) If the license applicant has a license issued pursuant to this article and the applicant's fingerprints have been previously

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forwarded to the Department of Justice, as provided in this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the Department of Justice on the copy of any subsequent license submitted to the department in conformance with Section 26225 and no additional fingerprints shall be required.

26190. (a) (1) Each applicant for a new license or for the renewal of a license shall pay at the time of filing the application a fee determined by the Department of Justice. The fee shall not exceed the application processing costs of the Department of Justice for the direct costs of furnishing the report required by Section 26185.

(2) After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget.

(3) The officer receiving the application and the fee shall transmit the fee, with the fingerprints if required, to the Department of Justice.

(b) (1) The licensing authority of any city, city and county, or county may charge an additional fee in an amount equal to the actual costs for processing the application for a new license, excluding fingerprint and training costs, but in no case to exceed one hundred dollars (\$100), and shall transmit the additional fee, if any, to the city, city and county, or county treasury.

(2) The first 20 percent of this additional local fee may be collected upon filing of the initial application. The balance of the fee shall be collected only upon issuance of the license.

(c) The licensing authority may charge an additional fee, not to exceed twenty-five dollars (\$25), for processing the application for a license renewal, and shall transmit an additional fee, if any, to the city, city and county, or county treasury.

(d) These local fees may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(e) (1) In the case of an amended license pursuant to Section 26215, the licensing authority of any city, city and county, or county may charge a fee, not to exceed ten dollars (\$10), for processing the amended license.

(2) This fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(3) The licensing authority shall transmit the fee to the city, city and county, or county treasury.

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(f) (1) If psychological testing on the initial application is required by the licensing authority, the license applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. The applicant may be charged for the actual cost of the testing in an amount not to exceed one hundred fifty dollars (\$150).

(2) Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary. The cost to the applicant for this additional testing shall not exceed one hundred fifty dollars (\$150).

(g) Except as authorized pursuant to this section, no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant may be imposed by any licensing authority as a condition of the application for a license.

26195. (a) A license under this article shall not be issued if the Department of Justice determines that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(b) (1) A license under this article shall be revoked by the local licensing authority if at any time either the local licensing authority is notified by the Department of Justice that a licensee is prohibited by state or federal law from owning or purchasing firearms, or the local licensing authority determines that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2) If at any time the Department of Justice determines that a licensee is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm, the department shall immediately notify the local licensing authority of the determination.

(3) If the local licensing authority revokes the license, the Department of Justice shall be notified of the revocation pursuant to Section 26225. The licensee shall also be immediately notified of the revocation in writing.

26200. (a) A license issued pursuant to this article may include any reasonable restrictions or conditions that the issuing authority deems warranted, including restrictions as to the time, place, manner, and circumstances under which the licensee may carry a pistol, revolver, or other firearm capable of being concealed upon the person.

(b) Any restrictions imposed pursuant to subdivision (a) shall be indicated on any license issued.

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26205. The licensing authority shall give written notice to the applicant indicating if the license under this article is approved or denied. The licensing authority shall give this notice within 90 days of the initial application for a new license or a license renewal, or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later.

26210. (a) When a licensee under this article has a change of address, the license shall be amended to reflect the new address and a new license shall be issued pursuant to subdivision (b) of Section 26215.

(b) The licensee shall notify the licensing authority in writing within 10 days of any change in the licensee's place of residence.

(c) If both of the following conditions are satisfied, a license to carry a concealed handgun may not be revoked solely because the licensee's place of residence has changed to another county:

(1) The licensee has not breached any of the conditions or restrictions set forth in the license.

(2) The licensee has not become prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(d) Notwithstanding subdivision (c), if a licensee's place of residence was the basis for issuance of a license, any license issued pursuant to Section 26150 or 26155 shall expire 90 days after the licensee moves from the county of issuance.

(e) If the license is one to carry loaded and exposed a pistol, revolver, or other firearm capable of being concealed upon the person, the license shall be revoked immediately upon a change of the licensee's place of residence to another county.

26215. (a) A person issued a license pursuant to this article may apply to the licensing authority for an amendment to the license to do one or more of the following:

(1) Add or delete authority to carry a particular pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Authorize the licensee to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(3) If the population of the county is less than 200,000 persons according to the most recent federal decennial census, authorize the licensee to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(4) Change any restrictions or conditions on the license, including restrictions as to the time, place, manner, and circumstances under which the person may carry a pistol, revolver, or other firearm capable of being concealed upon the person.

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(b) If the licensing authority amends the license, a new license shall be issued to the licensee reflecting the amendments.

(c) An amendment to the license does not extend the original expiration date of the license and the license shall be subject to renewal at the same time as if the license had not been amended.

(d) An application to amend a license does not constitute an application for renewal of the license.

26220. (a) Except as otherwise provided in this section and in subdivision (c) of Section 26210, a license issued pursuant to Section 26150 or 26155 is valid for any period of time not to exceed two years from the date of the license.

(b) If the licensee's place of employment or business was the basis for issuance of a license pursuant to Section 26150, the license is valid for any period of time not to exceed 90 days from the date of the license. The license shall be valid only in the county in which the license was originally issued. The licensee shall give a copy of this license to the licensing authority of the city, county, or city and county in which the licensee resides. The licensing authority that originally issued the license shall inform the licensee verbally and in writing in at least 16-point type of this obligation to give a copy of the license to the licensing authority of the city, county, or city and county of residence. Any application to renew or extend the validity of, or reissue, the license may be granted only upon the concurrence of the licensing authority that originally issued the license and the licensing authority of the city, county, or city and county in which the licensee resides.

(c) A license issued pursuant to Section 26150 or 26155 is valid for any period of time not to exceed three years from the date of the license if the license is issued to any of the following individuals:

- (1) A judge of a California court of record.
- (2) A full-time court commissioner of a California court of record.
- (3) A judge of a federal court.
- (4) A magistrate of a federal court.

(d) A license issued pursuant to Section 26150 or 26155 is valid for any period of time not to exceed four years from the date of the license if the license is issued to a custodial officer who is an employee of the sheriff as provided in Section 831.5, except that the license shall be invalid upon the conclusion of the person's employment pursuant to Section 831.5 if the four-year period has not otherwise expired or any other condition imposed pursuant to this article does not limit the validity of the license to a shorter time period.

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(e) A license issued pursuant to Section 26170 to a peace officer appointed pursuant to Section 830.6 is valid for any period of time not to exceed four years from the date of the license, except that the license shall be invalid upon the conclusion of the person's appointment pursuant to Section 830.6 if the four-year period has not otherwise expired or any other condition imposed pursuant to this article does not limit the validity of the license to a shorter time period.

26225. (a) A record of the following shall be maintained in the office of the licensing authority:

- (1) The denial of a license.
- (2) The denial of an amendment to a license.
- (3) The issuance of a license.
- (4) The amendment of a license.
- (5) The revocation of a license.

(b) Copies of each of the following shall be filed immediately by the issuing officer or authority with the Department of Justice:

- (1) The denial of a license.
- (2) The denial of an amendment to a license.
- (3) The issuance of a license.
- (4) The amendment of a license.
- (5) The revocation of a license.

(c) (1) Commencing on or before January 1, 2000, and annually thereafter, each licensing authority shall submit to the Attorney General the total number of licenses issued to peace officers pursuant to Section 26170, and to judges pursuant to Section 26150 or 26155.

(2) The Attorney General shall collect and record the information submitted pursuant to this subdivision by county and licensing authority.