



SONOMA COUNTY LAW ENFORCEMENT CHIEFS' ASSOCIATION

PROTOCOL: 85-6
ADOPTED: 11/13/92
REVISED: 09/09/94
03/05/03
04/08/05
03/05/07

SUBJECT: CONCEALED WEAPON (CCW) LICENSE POLICY

PURPOSE: To establish a countywide protocol for processing, issuing and renewing a license to carry a concealed weapon.

I. GENERAL

- A. The Chief of Police or Sheriff has the responsibility and authority to issue or deny licenses to carry concealed weapons pursuant to Penal Code Section 12050.
- B. This protocol conforms with the State laws governing licenses to carry concealed weapons, Penal Code Sections 12050-12054.
- C. Penal Code Section 12025 and 12031 describes the violation, punishment and exceptions for carrying a loaded firearm in a public place or street.

II. STATUTORY REQUIREMENTS

A. Issuance (Penal Code Section 12050)

- 1. The Chief of Police or Sheriff may issue a license to carry a concealed weapon, upon proof:
 - a. That the person applying is of good moral character; and
 - b. That good cause exists for the issuance; *and*
 - c. That the person applying is a resident of the City/County, or 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; and

- d. That the person applying has completed a course of training in conformance with Penal Code Section 12050(E).
2. The license may be issued for any period of time not to exceed the limitations listed below from date of issuance. The *type* and *term* of the license shall be entered in the “Restrictions” section of the CCW license form.
 - a. *Standard CCW*
 - (1) Issued to residents in a particular County or City within the County.
 - (2) Term: Up to two years.
 - b. *Judge CCW*
 - (1) Issued to California Judges, full-time Court Commissioners and to Federal Judges and Magistrates of Federal Courts. Due to the special relationship between the Sheriff and the Sonoma County Courts, the Sheriff may issue CCWs to active and retired Sonoma County Judges.
 - (2) Term: Up to three years.
 - c. *Reserve Peace Officer CCW*
 - (1) Issued to reserve peace officers appointed pursuant to Penal Code Section 830.6.
 - (2) Term: Up to four years; invalid upon conclusion of the appointment as a reserve peace officer.
 - d. *Retired Federal Officer CCW*
 - (1) Upon approval of the Sheriff of the county in which they reside, issued to honorably retired federal officers or agents pursuant to Penal Code Section 12027(a)(1)(E)(3)(i).
 - (2) Term: Up to five years.
 3. 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 weapon.
 - a. Any restrictions imposed shall be indicated on the license.

B. Application (Penal Code Section 12051)

1. Applications shall be uniform throughout the state, upon forms to be prescribed by the Attorney General (Form FD 4012).

2. No licensing authority shall require any license applicant to complete any additional application or form for a CCW, or provide any information other than that necessary to complete the standard application form, except to clarify or interpret information provided by the applicant on the standard application form.

C. Fingerprinting (Penal Code Section 12052)

1. Fingerprints shall be taken from each applicant via LiveScan.
2. Department of Justice shall report all data and information on the applicant to the issuing authority.
3. No license shall be issued by the licensing authority until after receipt of the reply from the Department of Justice.
4. Renewals
 - a. The licensing authority shall note the previous identification number and other data which would provide positive identification in Department of Justice files on the copy of any subsequent license submitted to the Department of Justice; *and*
 - b. No additional fingerprints shall be required.

D. Department Reporting and Records

1. Pursuant to Penal Code Section 12053, the licensing authority shall maintain a record of the following and immediately provide copies of each to the Department of Justice:
 - 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
2. The licensing authority shall also annually submit to the State Attorney General the total number of licenses to carry concealed weapons issued to reserve peace officers and judges.

E. Fee (Penal Code Section 12054)

1. Each applicant for a new or renewal license shall pay a fee to the Department of Justice as outlined in Penal Code Section 12054.
2. The licensing authority may charge an additional fee based upon the cost of processing the application or amending a current valid license as outlined in Penal Code Section 12054.
 - a. The first twenty (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. (Penal Code Section 12054(a).)

III. FIREARMS SAFETY COURSE REQUIREMENTS

A. Firearms Safety Course providers shall be approved by the S.C.L.E.C.A. after a review of their training curriculum. A current list of approved providers will be maintained at the Sonoma County Sheriff's Department.

1. Citizen

a. *Initial Application*

- (1) Successful completion of a Firearms Safety Course with the weapon(s) to be designated on the license.
- (2) The course of training may be any course acceptable to the licensing authority, shall not exceed sixteen (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 twenty-four (24) hours, but only if required uniformly of all license applicants without exception. (Penal Code Section 12050(E)(i).)

b. *Renewal*

- (1) Successful completion of a Firearms Safety Course within two (2) years of the date of renewal application.
- (2) The course of training may be any course acceptable to the licensing authority, shall be no less than four (4) hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm (Penal Code Section 12050(E).)

2. Reserve Officers

- a. Completion of Basic Course prescribed by P.O.S.T.; *or*
- b. The course required by Penal Code Section 832; *and*
- c. Qualification score(s) at department shoot.
- d. The issuing department may allow formerly sworn reserve officers to complete the recurrent training required of active reserve officers in lieu of the Firearms Safety Course.

IV. CRITERIA FOR APPROVAL, DENIAL OR CANCELLATION/REVOCATION

- A. By mutual agreement, the Police Chief of incorporated cities or the Sheriff of the County shall limit the issuance of Concealed Weapon Licenses only to residents of their respective jurisdictions; i.e., residents of incorporated cities would apply to the Police Chief of that city and residents residing in unincorporated areas would apply to the Sheriff. The exception to this policy shall be that a Police Chief or the Sheriff may issue a license to individuals employed by or retired from their respective agencies jurisdictions who hold or formerly held sensitive positions and meet the general criteria irrespective of place of residence. In such cases, the agency head issuing such a license shall make written notification to the agency head of the jurisdiction in which the applicant resides.
- B. The Chief of Police or Sheriff may issue a license to carry a concealed weapon, upon proof that good cause exists for the issuance.
1. **Good Cause:** The applicant must demonstrate good cause that a need to carry a weapon exists. Good cause includes, but is not limited to:
 - a. Evidence of specific circumstances that there will likely be an ongoing attempt on the part of a second party to cause the applicant, or his or her immediate family, serious harm that cannot be minimized by other non-lethal alternatives.
 - b. The nature of the lawful business or lawful occupation of the applicant is such that it subjects the applicant to an articulable high personal risk of criminal attack that cannot be minimized by other non-lethal alternatives.
 - c. The applicant's lawful presence is required in an area where he or she can demonstrate a substantive danger that requires self-defense that cannot otherwise be provided by other non-lethal alternatives.
 2. **Denial Criteria:** Good cause for denial of a permit includes, but is not limited to the following:
 - a. Residence not within agency's jurisdiction
 - b. Not a U.S. citizen
 - c. Criminal history
 - d. Controlled substance abuse
 - e. Dishonorable discharge from military service
 - f. History of mental illness
 - g. Denied a license to carry a concealed weapon
 - h. License to carry a concealed weapon revoked
 - i. Unstable personality or threats of violence (i.e. history of violence)
 - j. Potential liability to City/County if license is issued
 - k. Physically unable to safely handle weapon

- l. General fear of crime with no specific information to substantiate it
- m. To protect assets when other means of protection are readily available

3. Cancellation/Revocation Criteria:

a. Causes

Good cause for cancellation/revocation of a permit includes, but is not limited to the following:

- License holder moves outside agency's jurisdiction
- Arrest or criminal activity
- Controlled substance abuse
- Mental illness
- Unstable personality or threats of violence (i.e. acts of violence)
- Inappropriate behavior
- Potential liability to City/County if license is allowed to remain active
- Physically unable to safely handle weapon
- Any other reason, not listed above, that creates concern for the community or the issuing agency

b. Cancellation

1. License holder will receive a letter of explanation from the respective City/County outlining the terms and conditions for the cancellation/revocation of the license.
2. The Department of Justice will receive a carbon copy of the above referenced letter regarding the cancellation/revocation of the CCW license.
3. The license holder will be required to surrender the license to the issuing agency.

V. LICENSE RESTRICTIONS

- A. A license may include any reasonable restrictions or conditions that the issuing authority deems warranted, including restrictions as to the time, place, and circumstances under which the person may carry a concealed firearm.
1. Any restriction imposed shall be indicated on the license.
 2. The following restrictions shall apply to all license holders and shall be clearly stamped on the Concealed Weapons License:

TO ANY PEACE OFFICER:

Carrying a weapon is not authorized when the holder of this license is under psychiatric care, or is under the influence of medication, illicit substances, or has consumed any alcoholic beverage. Nor is it authorized when the holder is present on the premises where the service of alcoholic beverages is the primary function. Absent an exemption noted on this license, this license expressly prohibits the carrying of firearms on the property of any school, court building, courtroom, jail or prison facility, or any other place where firearms are prohibited.

If the holder of this license comes to your attention under any of the above circumstances, or is arrested for criminal misconduct, this license is to be seized and returned to the (issuing agency).

3. The restrictions specified above in paragraph 1, sentences 2 and 3, may be waived by the Chief of Police or Sheriff for a license issued to a sworn or formerly sworn reserve peace officer or Correctional Deputy.

B. Restriction Examples

1. Restricted to the specific use of protection of person while traveling.
2. Restricted to the specific use of protection of company assets while traveling.
3. Restricted to the specific use of transferring assets (i.e., business to deposit).
4. Restricted to the specific use of compliance to vocational duties.

VI. APPLICATION PROCEDURE

A. Application Request

Upon request, a citizen will be given a “Standard Application for License to Carry Concealed Weapon (CCW)” (Form FD 4012)

B. Applicant shall submit:

1. Copy of approved Firearms Safety Course Certificate of Completion
2. Proof of legal U.S. residency
3. Copy of Honorable Military Discharge (Form DD214 or DD256A), if applicable
4. Three (3) letters of reference.
5. Completed and signed DOJ application form (Form FD 4012).
6. Submit to Livescan fingerprinting.
7. A check or money order made payable to “California Department of Justice.”

8. Additional agency processing fee, if applicable.
9. Written evidence from a licensed physician that the applicant is not currently suffering from any medical condition which would make the individual unsuitable for carrying a concealed weapon, (NOTE: All costs associated with this requirement shall be paid by the applicant.) Failure to provide satisfactory evidence of medical fitness shall result in removal of the applicant from further consideration.
10. Honorably retired federal officers shall provide written certification from the agency from which they retired certifying their service in the state, the nature of their retirement, and indication of the agency's concurrence that the retired federal officer should be accorded the privilege of carrying a concealed weapon. This requirement is in lieu of the three (3) letters of reference described in number 4 above for retired federal officers only.

C. Psychological Testing

The applicant may also be referred to an authorized psychologist used by the issuing Department for psychological testing in order to determine the applicant's suitability for carrying a concealed weapon. (NOTE: The cost of such psychological testing [not to exceed \$150.00] shall be paid by the applicant.) If it is psychologically determined that the applicant is not a suitable candidate for carrying a concealed weapon, the applicant shall be removed from further consideration.

D. Verification

Applicant's status shall be verified by the following means:

1. Department of Motor Vehicles
2. CLETS (Criminal record/WPS)
3. CLETS (AFS on weapons and applicant)
4. Warrants
5. Agency files

E. License officer shall:

1. Review applicant's CCW file and application.
 - a. Verify residency
 - b. Proof of need for license
 - c. Proof of identity
 - d. Proof of legal U.S. residency
 - e. Military Discharge, if applicable
 - f. Firearms Safety Course Certificate or equivalent

- g. Registration status of listed weapon(s)
- h. Background of applicant:
 - (1) Good moral character
 - (2) Records and warrants
 - (3) Fingerprints
- i. Evaluation interview (optional)

- 2. Make a recommendation, including license restrictions, and forward the file to the Chief of Police/Sheriff, or their designee.

F. Chief of Police/Sheriff, or their designee:

- 1. May either approve or deny the application.
- 2. Direct that a letter be sent to the applicant with notification of disposition.

VII. RENEWAL PROCEDURE

A. Applicant shall:

- 1. Complete and sign the required documents.
- 2. Submit a check or money order payable to “California Department of Justice.”
- 3. Pay agency processing fee, if applicable.
- 4. Submit Proof of Firearms Safety Course per 12050(E)(ii).

B. License officer’s responsibilities:

- 1. Review CCW file.
- 2. Verify that all information and record checks have been updated and are current.
- 3. Verify that the applicant has completed an approved Firearms Safety Course as provided in paragraph III.
- 4. Make a recommendation, including license restrictions, and forward to the Chief of Police/Sheriff, or their designee.

VIII. DENIAL APPEAL PROCEDURE

- A. The applicant shall be notified of the license denial by letter, which will include instructions for an appeal.
- B. The applicant must initiate the appeal by contacting the agency and requesting an appointment.
- C. The Chief of Police/Sheriff or designee may schedule an informal interview with the applicant to review the application and denial.

1. The applicant will be afforded the opportunity to provide any new and/or additional information pertinent to the application.
- D. The Chief of Police/Sheriff shall make the final determination either to approve or deny the license.

IX. RESERVE OFFICERS

A. Initial Application

1. Reserve officers shall submit the required applications, be fingerprinted and pay the required fees.
2. Reserve officers will be exempt from those requirements that have previously been met in the reserve officer pre-appointment background investigation mandated by P.O.S.T.
3. License officer shall:
 - a. Review the applicant's CCW file.
 - b. Review the reserve officer's training file to verify the requirements have been met.
 - c. Review the department's range scores to verify the reserve officer has qualified.
 - d. Make a recommendation and forward the file to the Chief of Police/Sheriff, or their designee.
4. The reserve officer shall comply with the department's general order or policy applicable to firearms qualification.
5. The CCW license shall be valid for four (4) years.
 - a. The CCW license shall be revoked upon either the resignation or termination of the reserve officer.

B. Renewal Procedure

1. Reserve officers shall comply with the requirements for renewal application.
2. License officer shall comply with the procedure for renewal application.
3. Formerly sworn reserve officers may be issued licenses by their previous appointing agency so long as they reside within the County of Sonoma. The duration of the permit shall be the standard time for a citizen CCW.