

License to Carry a Firearm

218.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a written process for the application, issuance, denial, appeal, and revocation of a license to carry a firearm (Penal Code § 26150; Penal Code § 26155).

218.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police office from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police office to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

218.2 POLICY

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

218.2.1 RESIDENCY REQUIREMENT CLARIFIED

For the issuance of a concealed weapons permit, the applicant must reside within the County of Tuolumne. The terms 'reside', 'residence' or 'being a resident' for the purposes of this policy, allude to the act of dwelling in a particular place for a prolonged period, continuously, and with some degree of permanence. The minimum amount of time one must reside in Tuolumne County is one year. The one-year requirement may be waived if all of the following are met:

- Proof of Tuolumne County residency.
- Already currently possess a valid CCW from another county.
- Provide a letter of good standing from the county issuing the CCW.

218.2.2 GOOD MORAL CHARACTER REQUIREMENT CLARIFIED

The Department must evaluate whether the applicant is of "good moral character."

An applicant may be presumed to be of good moral character unless they:

- Are abusers of alcohol or other legal or illegal substances.
- Find themselves involved in fights, disturbances, or other breaches of the peace.
- Have been in criminal violation of others' rights to privacy.
- Have contacts with law enforcement showing they become involved in incidents where they have no right or business.
- Have legal reasons to preclude them from carrying a concealed weapon. (No person determined to fall within a prohibited class described in Penal Code §§ 29800 or 29900 or Welfare and Institutions Code §§ 8100 or 8103 may be issued a license to carry a concealed weapon.)
- Have a history of significant criminal conduct.

Tuolumne County Sheriff's Office

Tuolumne County SO Policy Manual

License to Carry a Firearm

- Display a pattern of behavior showing poor decisions or criminal conduct.

218.2.3 GOOD CAUSE CLARIFIED

The applicant must prove or show by evidence and/or reasoning that they have good cause for issuance of a permit. Good cause for the issuance of a concealed weapons permit may include, but not limited to, self-protection being a business owner or being a rancher.

218.2.4 TRAINING REQUIREMENTS CLARIFIED

A course of training will be successfully completed by each applicant. The course of training may consist of any course approved by the Tuolumne County Sheriff's Office containing the general categories of training described as follows pursuant to California Penal Code 26165:

- (a) A course of training will be successfully completed by each applicant. The course of training may consist of any course approved by the Tuolumne County Sheriff's Office containing the general categories of training described as follows pursuant to California Penal Code 26165:
 1. For new license applicants, the course of training shall meet all of the following criteria:
 - (a) The course shall be no less than 8 hours, and shall not exceed 16 hours in length.
 - (b) The course shall instruct on firearm safety, firearm handling, shooting technique, and laws regarding the permissible use of a firearm.
 - (c) The course shall include live-fire shooting exercises on a firing range and include demonstration by the applicant of safe handling of, and shooting proficiency with, each firearm the applicant is applying to be licensed to carry.
 - (d) The applicant shall fire each weapon they are applying to be licensed to carry a minimum of 12 rounds and achieve a minimum passing score of 80% proficiency from a maximum shooting distance of 10 yards.
 2. For license renewal applicants the course of training shall meet all of the following criteria:
 - (a) The course shall be no less than 4 hours.
 - (b) The course shall instruct on firearm safety, firearm handling, shooting technique, and laws regarding the permissible use of a firearm.
 - (c) The course shall include live-fire shooting exercises on a firing range and include demonstration by the applicant of safe handling of, and shooting proficiency with, each firearm the applicant is applying to be licensed to carry.
 - (d) The applicant shall fire each weapon they are applying to be licensed to carry a minimum of 12 rounds and achieve a minimum passing score of 80% proficiency from a maximum shooting distance of 10 yards.

Tuolumne County Sheriff's Office

Tuolumne County SO Policy Manual

License to Carry a Firearm

3. The applicant shall not be required to pay for any training course prior to the determination of good cause, pursuant to California Penal Code 26202.

218.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must:

- (a) Be deemed not to be a disqualified person as provided in Penal Code § 26202.
- (b) Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).
- (c) Be a resident of the County of Tuolumne County (Penal Code § 26150; Penal Code § 26155).
- (d) Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
- (e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
- (f) Submit fingerprints and a complete criminal background check (Penal Code § 26185).
- (g) Pay all associated application fees (Penal Code § 26190).
- (h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Tuolumne County Sheriff's Office (Penal Code § 26162).
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training described in Penal Code § 26165.

218.4 APPLICATION PROCESS

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

218.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California DOJ application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 1. If an incomplete application package is received, the Sheriff or the authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.

Tuolumne County Sheriff's Office

Tuolumne County SO Policy Manual

License to Carry a Firearm

- (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction).
- (b) Applicant fees shall be submitted and processed according to office-established procedures and Penal Code § 26190.
 - 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
 - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
 - 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph, proof of residency).
- (d) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Within 90 days of receiving the completed application for a new license, the Office shall give written notice to the applicant of the Office's initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165.

218.4.2 PHASE TWO

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

- (a) Fingerprints and related information required by the California DOJ shall be submitted to the California DOJ as provided in Penal Code § 26185.
- (b) The Sheriff may, based upon criteria established by the Sheriff, require that the applicant be referred to an authorized psychologist used by the Office for psychological testing. The cost of such psychological testing shall be paid by the applicant but shall not exceed the reasonable costs to the Office (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the Office, which complies with Penal Code § 26165.
- (d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other office authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the

Tuolumne County Sheriff's Office

Tuolumne County SO Policy Manual

License to Carry a Firearm

office Rangemaster, or provide proof of successful completion of another office-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Sheriff or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied (Penal Code § 26170).

218.4.3 PHASE THREE

If the application is approved for further processing, the Sheriff's Office will:

- (a) Require you to submit your fingerprints. This is done through the "Live Scan" process at the Jamestown CSU Office.
- (b) Send for your Criminal History Record from the California Department of Justice (requires 6 to 8 weeks for reply).
- (c) Send for a Driver's License Record from the Department of Motor Vehicles.
- (d) Check for history of the concealed weapons to be carried.
- (e) Check for local warrants and criminal history.

Whether an application is approved or denied at the conclusion of Phase 3, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. (Penal Code § 26205).

If you are refused a Concealed Weapons License you will be notified by mail. The response will be limited to whether or not a permit has been approved or denied.

218.4.4 PHASE FOUR

The Sheriff's authorized designee will conduct a final review of the application after training and qualification certifications, and/or other required documentation have been submitted.

If you are approved after this review, a permit will be generated and signed by the Sheriff's authorized designee.

The Sheriff's designee may place restrictions on a permit if he/she deems warranted. The restrictions may include time, place, manner, and circumstances under which the permit holder may carry the weapon.

Tuolumne County Sheriff's Office

Tuolumne County SO Policy Manual

License to Carry a Firearm

218.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police office may not issue limited licenses and these applicants should be referred to the Sheriff's Office (Penal Code § 26150).

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

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

218.6 ISSUED FIREARMS PERMITS

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).
 - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
 - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (Penal Code § 26175).
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 - 1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
 - 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except

Tuolumne County Sheriff's Office

Tuolumne County SO Policy Manual

License to Carry a Firearm

that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this office in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Office shall notify the California DOJ (Penal Code § 26210).

218.6.1 AMENDMENTS TO LICENSES

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

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

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

218.6.2 REVOCATION OF LICENSES

Any license issued pursuant to this policy shall be revoked by the Sheriff for any of the following reasons (Penal Code § 26195):

- (a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- (b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.
- (c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.
- (d) Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

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

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

Tuolumne County Sheriff's Office

Tuolumne County SO Policy Manual

License to Carry a Firearm

218.6.3 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Sheriff for a renewal by:

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a training course pursuant to Penal Code § 26165.
- (c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying the applicable renewal application fee.

Within 90 days of receiving the completed application for a renewal license, the Office shall give written notice to the applicant of the office's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165. The Office shall then submit the renewal notification to the California DOJ as provided in Penal Code § 26185.

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

218.7 WRITTEN NOTICE FOR DENIAL OF LICENSE

The Sheriff or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 120 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

Written notice to an applicant for a renewal license that is approved or denied shall be given within 120 days of receiving the completed application (Penal Code § 26205).

Additionally, regardless of the type of license, if the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

218.7.1 ADDITIONAL REQUIREMENTS

If an application for a new license, renewal of a license, or revocation is denied based on a determination that the person is a disqualified person as provided by Penal Code § 26202, the Sheriff or the authorized designee shall provide the person with the notice of determination as provided by Penal Code § 26202(d), Penal Code § 26205, or Penal Code § 26195(b)(3). The notice shall state the reason why the determination was made and inform the applicant that they may request a hearing from a court. The Office shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the Sheriff or the authorized designee shall provide

Tuolumne County Sheriff's Office

Tuolumne County SO Policy Manual

License to Carry a Firearm

the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).

218.8 OFFICE REPORTING AND RECORDS

The Office shall maintain a record of the following and immediately provide copies of each to the California DOJ (Penal Code § 26225):

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

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

218.9 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered a public record (Government Code § 7923.805).

218.10 APPEAL PROCESS

There is an appeal process to the denial of a permit within the office. The Sheriff or authorized agent makes the determination as to whether or not to approve the issuance of a permit. If the application is denied and the applicant desires to appeal the decision, he/she must appeal within 30 days of the denial to the authorized agent.

- The appeal must be in writing and the applicant must state the reasons why their application should be approved.
 - The reasons stated must go above and beyond, in detail and in scope, the reasons previously stated in the CCW application.
- An appeal interview may or may not be granted. The applicant will be provided a response within 30 days from the date of receipt of the appeal. The resulting decision will be final.

218.11 POLICY AVAILABILITY

This policy shall be made accessible to the public as provided by Penal Code § 26160.