

## Concealed Weapon License

### 218.1 PURPOSE AND SCOPE

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

#### 218.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Sheriff from entering into an agreement with any chief of police within the county to process applications and licenses for the carrying of concealed weapons within that jurisdiction (Penal Code § 12050(g)).

### 218.2 QUALIFIED APPLICANTS

In order to apply for a license to carry a concealed weapon, the applicant must:

- (a) Be a resident of the County of Imperial County
- (b) Be at least 21 years of age
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a concealed weapon. Fingerprints will be required and a complete criminal background check will be conducted
- (e) Be of good moral character
- (f) Show good cause for the issuance of the license
- (g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied
- (h) Provide proof of ownership and registration of any weapon to be licensed for concealment
- (i) Provide at least three letters of character reference
- (j) Be free from any medical and psychological conditions that might make the applicant unsuitable for carrying a concealed weapon
- (k) Complete required training

### 218.3 APPLICATION PROCESS

The application process for a license to carry a concealed weapon 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.

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

(a) Any individual applying for a license to carry a concealed weapon shall first fully a Concealed Weapons License Application to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application (Penal Code §

# Imperial County Sheriff's Office

## Policy Manual

### *Concealed Weapon License*

---

12051 (b) & (c)). 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination.

(b) At the time the completed application is submitted, the applicant shall submit a check made payable to the Department of Justice for the required application fee. Upon the applicant being approved for issuance of a Concealed Weapon License a separate check made payable to the County of Imperial County for a nonrefundable fee to cover the cost of processing the application. 1. The application fee does not include any additional fees required for training or psychological testing.

2. Full payment of DOJ fees is payable at time of fingerprinting (Live Scan.).

3. Payment of related fees may be waived if the applicant is a duly appointed Imperial County Sheriff Deputy or Reserve Deputy Sheriff as defined in Penal Code 830.6(a) and (b). Penal Code 12550(a)(1)(c).

(c) The applicant shall be required to be fingerprinted (Live Scan) and the fingerprints will be submitted to the Department of Justice (DOJ) for a complete criminal background check. No person determined to fall within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare and Institutions Code §§ 8100 or 8103 may be issued a license to carry a concealed weapon.

(d) The applicant shall submit at least three signed letters of character reference from individuals other than relatives. One of these letters of reference shall be from a California Peace Officer who both works and lives in the County of Imperial.

(e) The applicant shall submit proof of ownership and registration of each weapon to be licensed for concealment.

(f) Any fees required to obtain a concealed weapon permit are subject to change at any time without prior notice.

Once the Sheriff or authorized designee has verified the successful completion of Phase One the application will either be advanced to PHASE II or DENIED.

Whether an application is approved or denied at the conclusion of or during PHASE One, the applicant shall be notified in writing within ninety (90) days of the initial application or within thirty (30) days after receipt of the applicant's criminal background response from the DOJ, FBI and the Firearm Unit Division, whichever is later. Penal Code §12052.5.

### **218.3.2 PHASE TWO**

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

(a) Upon successful completion of Phase I, the applicant shall be scheduled for a personal interview with the Sheriff or his designee. It is during this stage that there will be further discussion of the applicant's statements of good cause and any potential restrictions or conditions, which might be placed on the license.

(b) The Sheriff may also require that the applicant be referred to an authorized psychologist used by the Department for psychological testing in order to determine the applicant's suitability for carrying a concealed weapon. NOTE: The cost of such psychological test not to exceed \$150.00/shall be paid by the applicant). This testing is not intended to certify that the applicant is psychologically fit to carry a concealed weapon. It is instead designed to determine whether an applicant has any outward indications or history of

# Imperial County Sheriff's Office

## Policy Manual

### *Concealed Weapon License*

---

psychological problems, which might render him/her unfit to carry a concealed weapon. 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.

(c) No person determined to fall within a prohibited class described in Penal Code §12021 or 12021.1 or Welfare & Institutions Code 8100 or 8103 may be issued a license to carry a concealed weapon. Once the Sheriff or Authorized Designee has reviewed the successful completion of Phase II, the License to Carry a Concealed Weapon will either be granted or denied.

Upon the Sheriff granting a Concealed Weapon License the applicant shall complete the following before the Concealed Weapon license will be issued:

- a. The applicant shall successfully complete a Firearms Safety, Permissible use, and Proficiency examination with all weapons to be licensed and provide proof of successful completion, by providing a Certified Firearm Certificate.
- b. The applicant shall submit any weapon to be considered for a license to the Departmentally authorized Rangemaster for a full safety inspection. The Sheriff reserves the right to deny a license, from an unrecognized manufacturer or any weapon which has been altered from the manufacturer's specifications.
- c. Cost of the Firearms Safety, Permissible use, and Proficiency examination and the inspection / examination of all weapons included on the Concealed Weapon License shall be the responsibility of the applicant.

#### **218.4 ISSUED CONCEALED WEAPONS PERMITS**

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

- (a) The license will not be valid outside the state of California;
- (b) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the concealed firearm.
  1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
  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.
- (c) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of weapon, restrictions and other pertinent information clearly visible.
  1. Each license shall be numbered and clearly identify the licensee.
  2. All licenses shall be subjected to inspection by the Sheriff or any law enforcement officer.
- (d) The license will be valid for a period not to exceed two years from the date of issuance.
  1. A license issued to 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

# Imperial County Sheriff's Office

## Policy Manual

### *Concealed Weapon License*

---

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.

- (e) 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 county of issuance, the license shall expire ninety (90) days after the licensee has moved.

#### **218.4.1 LICENSE RESTRICTIONS**

- (a) The Sheriff may place special restrictions limiting time, place and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from any of the following:
  1. Consuming any alcoholic beverage while armed
  2. Falsely representing him or herself as a peace officer
  3. Unjustified or unreasonable displaying of a weapon
  4. Committing any crime
  5. Being under the influence of any medication or drug while armed
  6. Interfering with any law enforcement officer's duties
  7. Refusing to display his/her license or weapon for inspection upon demand of any peace officer
- (b) The Sheriff reserves the right to inspect any license or licensed weapon at any time.
- (c) Any ammunition carried in a weapon licensed to be carried concealed, shall be inspected and approved by the department's Rangemaster or armorer. The carrying of any other ammunition in a licensed weapon shall be grounds for revocation.
- (d) The alteration of any previously approved weapon including, but not limited to adjusting trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

#### **218.4.2 AMENDMENTS TO LICENSES**

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to accomplish one or more of the following:

- (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

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). 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.

#### **218.4.3 REVOCATION OF LICENSES**

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

- (a) If the licensee has violated any of the restrictions or conditions placed upon the license.

# Imperial County Sheriff's Office

## Policy Manual

### *Concealed Weapon License*

---

- (b) If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon.
- (c) If the licensee is determined to be within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare & Institutions Code §§ 8100 or 8103.
- (d) If the licensee engages in any conduct which involves a lack of good moral character or might otherwise remove the good cause for the original issuance of the license.
- (e) If the licensee establishes residency outside the County of Imperial.
- (f) If the concealed weapons license is revoked by the Department of Justice.

#### **218.4.4 LICENSE RENEWAL**

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

- (a) Meeting with the Sheriff or his designee and conducting a brief discussion of the appropriateness of renewing the concealed weapon license and verifying the licensee information.
- (b) Verifying all information submitted in the original application under penalty of perjury
- (c) Taking an authorized training course of no less than four hours including firearms safety and the laws regarding the permissible use of a firearm
- (d) Submitting any weapon to be considered for a license renewal to the department's Rangemaster for a full safety inspection. The renewal applicant shall also successfully complete a firearms safety and proficiency examination with the weapon to be license renewal, to be administered by the Rangemaster, including completion of all releases and other forms
- (e) Payment of a non-refundable renewal application fee

Once the Sheriff or authorized designee has verified the successful completion of renewal process, except for the completion of the training course (above c), the renewal of the license to carry a concealed weapon will either be granted or denied. If granted the licensee will then be required to successfully complete the training course (above c). Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from DOJ, whichever is later (Penal Code § 12052.5).

#### **218.5 DEPARTMENT REPORTING AND RECORDS**

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

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

---

# Imperial County Sheriff's Office

## Policy Manual

### *Concealed Weapon License*

---

#### **218.6 CONFIDENTIAL RECORDS**

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

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