



Kern County Sheriff's Office Policies And Procedures

TITLE: CONCEALED WEAPONS PERMIT		NO: J 2400	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: March 6, 2003	REVIEWED: Feb 9, 2012	REVISED: Feb 10, 2012	UPDATED: April 4, 2012

POLICY

It is the policy of the Kern County Sheriff's Office to distribute, accept, and review applications for the issuance of Carrying a Concealed Weapon (CCW) licenses to any resident within its jurisdiction. Individuals requesting a CCW license must satisfactorily meet various guidelines and demonstrate a valid need for issuance of a concealed weapon license.

Reference: California Penal Code Section 12050(a)(1)(A) and (B) state in part that: "The sheriff of a county, chief or other head of a municipal police department of any city or 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 or city within the county, may issue to that person a license to carry a pistol, revolver, or other firearm capable of being concealed upon that person..."

GOOD CAUSE DEFINED:

Good Cause to obtain the CCW license is viewed in part, but is not limited to, self defense, defending the life of a third party, and preventing a crime in which human life is in serious jeopardy. The applicant does not need to fear his or her life is being threatened, but rather the potential for a life-threatening situation exists. The following are examples of situations that could illustrate Good Cause:

- Business owners or employees who handle large sums of money or respond to alarms at their place of business
- Persons who are in reasonable fear for their safety due to a set of facts that place them in danger
- Spouses or family members of law enforcement officers
- Avid hunters or persons who camp or frequent the backcountry

PROCEDURE A – SCREENING PROCESS

Any individual applying for a license to carry a concealed weapon shall first obtain and fully complete a Concealed Weapons License Application form. This form may be obtained at Sheriff's Headquarters, designated substations and from the Sheriff's website:

www.kernsheriff.com

- The application will include the need for the issuance of the permit and "good cause" for the permit.
- The application will be completed and returned, in person, to the Licensing Unit of the Kern County Sheriff's Office at 1350 Norris Road, Bakersfield, California, or an authorized substation. The application, when returned, must be signed in the presence of

an authorized employee of the Sheriff's Office. The form is to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application (Penal Code § 12051 (b) & (c)).

- The applicant will provide a California Driver's License. The applicant must be a resident of the County of Kern.
- The applicant must show two (2) valid forms of proof of residency (in addition to the California Driver's License). Examples include a current property tax bill, a utility bill and current vehicle registration papers. A post office box is not considered acceptable proof of residency.
- Active Military personnel may provide a current out of state Driver's License.
- Applicants who have dual residency will not necessarily be excluded from applying but must provide a California Driver's License with a Kern County address and two (2) valid forms of proof of residency in Kern County.
- Licensing personnel will compile and forward a list of all applicants for Administrative Review.
- Upon completion of the Administrative Review, The Sergeant of the Licensing Unit will then review the application and ensure the applicant meets the minimum guidelines detailed in Directive A of this policy.
 - If the Licensing Sergeant determines the applicant meets state law and Sheriff's Office guidelines, the application will proceed for further processing.
 - If the applicant does not meet state law and/or Sheriff's Office guidelines, or has been denied during the Administrative Review, the applicant will be sent a letter of denial noting the cause for the denial. The letter will be sent out under the name of the Sheriff, "By" the reviewing sergeant pursuant to Section J 0100 of the Sheriff's Office Policy and Procedure Manual.
 - If the applicant's CCW license application is denied, the applicant must wait one year from the date of denial to reapply.

PROCEDURE B - ADMINISTRATIVE REVIEW

On or before the 5th day of each month, Licensing personnel will compile and forward a list of all applicants to the Sheriff's Administration for review. The list will include each applicant's name, date of birth and city of residence.

The list will be forwarded to the Senior Office Services Specialist (SOSS) of the Law Enforcement Bureau. The SOSS will distribute the list to each Chief Deputy, the Undersheriff and the Sheriff for an administrative review. After Sheriff's Administration reviews the list of applicants, the SOSS will forward a list of all applications that have been approved for applicant processing as described in Procedure C. The SOSS will also notify the Licensing Sergeant of the reasons for any denials. Such notification will be made no later than five (5) business days after the names were submitted for review.

PROCEDURE C – APPLICATION PROCESSING

Applicants who have successfully completed the CCW screening process and the administrative review will:

- Come to the Sheriff's Headquarters Facility where the applicant will be fingerprinted.

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- The applicant's prints will be sent to California Department of Justice and the Federal Bureau of Investigation for processing.
- Pay the currently required state and county fees.
- Provide an original or certified copy of a birth certificate or passport, a DD214 form if the applicant was in the military and received anything other than a dishonorable discharge, and the required 8-hour firearms training certificate.

When the California Department of Justice and the Federal Bureau of Investigation results are received, the Licensing Unit Sergeant will review the applicant's entire file for final approval.

If the Sergeant approves the application for issuance of the license, Licensing Unit Personnel will notify the applicant to return to Sheriff's Headquarters or the authorized substation and:

- The applicant will read and sign the "Conditions of CCW license" form.
- Licensing Unit (or substation) personnel will obtain the applicant's thumb print for the license.
- The applicant will sign the license.
- Licensing Unit (or substation) personnel will issue the license.

If the Licensing Unit Sergeant denies the application for issuance of the license, Licensing Unit Personnel will send a denial letter to the applicant.

PROCEDURE D – APPEAL PROCESS

If an applicant whose application was denied wishes to appeal the decision, he or she may contact the Detective Section Lieutenant or Division Commander in writing to request an informal appeal within 10 working days of the denial. The Detective Section Lieutenant (or Commander) will review the reasons for denial. The Lieutenant or Commander must send the applicant a written notification of his or her decision to uphold or confirm the denial within ten days of receiving the request for appeal.

- If the Division Commander or Section Lieutenant upholds the denial, the applicant may appeal in writing to the Sheriff within forty- five (45) days of the original denial.
- After the Sheriff has reviewed the written denial appeal, the Office of the Sheriff will send a letter of acceptance or denial to the applicant with a copy of the letter sent to the Licensing Unit for additional handling as required.
- Applicants denied during the Administrative Review are entitled to appeal to the Sheriff within ten (10) days.

PROCEDURE E – LICENSE RENEWAL

Pursuant to California Penal Code Section 12050, a CCW License may be issued for a time period not to exceed two years from the date of license, or in the case of a full-time Court Commissioner, Judge or Magistrate, three years from date of issuance and in the case of a Reserve Peace Officer appointed pursuant to Penal Code Section 830.6, four years from the date of license. At the expiration date, the CCW license is no longer valid and the applicant cannot legally carry a concealed weapon.

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No earlier than thirty (30) 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 going to the Sheriff's Headquarters Facility Licensing Unit or authorized substation and:

- Provide a current California Driver's License with the current address on the CCW permit. The address must be in Kern County.
- Verify the information on the license with an authorized Sheriff's employee under penalty of perjury.
- Pay the currently required non-refundable state and county renewal application fees.

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

Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

If the license renewal is approved, Licensing Unit personnel will issue the new license.

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

PROCEDURE F – CCW LICENSE AMENDMENTS

Any licensee may amend his/her license at any time during the period of validity by going to the Sheriff's Headquarters Facility or authorized substation and requesting the license be amended in order to accomplish one or more of the following:

- Add or delete authority to carry a firearm listed on the license
 - The Sheriff's Office must be notified prior to any addition or deletion of a particular firearm. The firearm must be brought in for inspection.
- Change restrictions or conditions previously placed on the license
 - The Sheriff's Office must be notified immediately of any circumstances that would result in changes in the restrictions or conditions on the license.
- Change the address or other personal information of the licensee
 - A person currently holding a Kern County Sheriff's Office issued CCW license shall notify this agency within ten (10) days of any change in his/her place of residence. The licensee must present a change of address card (Form DL43) from the DMV.
- In the event that any amendment to a valid license is approved, a new license will be issued reflecting the amendment(s).
- Copies of the State of California Modification of License to Carry Concealed Firearm form shall be immediately filed with the Department of Justice by the Sheriff's Office. No additional fingerprint cards will be required for this process.
- 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. The license shall be subject to renewal based on the original issue date regardless of any amendments.
- The licensee will be required to pay the current CCW license amendment fee.

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PROCEDURE G – CCW LICENSE REVOCATIONS

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

- If the licensee has violated any of the restrictions or conditions placed upon the license.
- If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon.
- If the licensee is determined to be within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare and Institutions Code §§ 8100 or 8103.
- 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.
- If the licensee establishes residency outside the County of Kern.

The issuance of a license by the Sheriff-Coroner 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-Coroner as set forth herein.

If any license is revoked, the Licensing Unit will immediately notify the licensee and the California Department of Justice pursuant to Penal Code § 12053.

DIRECTIVE A – QUALIFIED APPLICANTS

Applicants must complete, in full, the required application form which will include the need and “good cause,” and must comply with the following minimum guidelines:

- Applicant must be a United States citizen.
- Applicant must be at least 21 years of age, except when employed by the Kern County Sheriff’s Office.
- Any applicant with an arrest or conviction in the last five (5) years is generally disqualified.
- Applicant must be a resident of the County of Kern and show two (2) valid forms of proof of this residency, a California Driver’s License, current property tax bill, or utility bill. A post office box is not considered acceptable proof of residency.
- Be free from criminal convictions that would disqualify the applicant from carrying a concealed weapon, including any felony conviction.
- The applicant must not be within a prohibited class as described in Penal Code Sections 12021 or 12021.1 or Welfare and Institutions Code Sections 8100 or 8103.
- Applicant must not have a current restraining, protective or stay-away order against him or her.
- The Sheriff reserves the right to deny a permit to any applicant that has been convicted of any public offense involving violence, firearms, drugs or any other crime that would reflect negatively on the applicant’s ability to carry a concealed weapon.
 - For the purposes of this policy all references to convictions shall include a finding or judgment of guilt by jury or bench trial, or any plea of guilty, nolo contendere or not guilty by reason of insanity.
- The applicant may not be on probation at the time application is made. After issuance, if subsequently placed on probation, the permit will be revoked.

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- Fingerprints will be required and the applicant must successfully pass a vigorous background investigation conducted by the Kern County Sheriff's Office, which may include background inquiries to the applicant's place of employment, neighbors, and any other law enforcement resources.
- Be of good moral character.
- Show good cause for the issuance of the license.
- The applicant must show current proof of attendance and a successful completion certificate from a Sheriff's Office approved training course covering safety, the law, and the applicant's ability to handle the firearm safely, or written certification the applicant meets the requirements from the Sheriff's Office Range Master.
- Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
 - If the applicant is a retired Deputy Sheriff or Reserve Deputy Sheriff with the Kern County Sheriff's Office and has been with this agency for at least ten (10) continuous years or has retired in good standing, the fees will be waived for application during the first application process. The application process must be initiated within ninety (90) days of his/her retirement and approved by his/her past chief deputy.
- Any applicant whose request to carry a firearm whose justification is their place of employment, must submit with the application a letter from his/her employer. This letter must acknowledge the fact the employer knows and approves of the applicant carrying a firearm while working.

DIRECTIVE B – CONDITIONS OF CCW LICENSE

The Sheriff will include certain mandatory conditions on all CCW Licenses that the applicant must adhere to. The applicant:

- Shall not ingest, inhale, inject or be under the influence of illegal drugs at any time or ingest or be under the influence of alcohol while carrying the weapon.
- Shall not represent self as a peace officer at any time.
- Shall not violate any federal, state, or local law, statute, or ordinance.
- Shall not be under the influence of any mind-altering medication, including, but not limited to those labeled with a warning not to operate a motor vehicle or other machinery.
- Shall not impede any law enforcement officer in the performance of their duties.
- Shall not refuse to display or surrender their permits and weapon when requested to do so by a peace officer.
- Shall not unjustifiably display a deadly weapon.
- Shall immediately notify any peace officer with whom the licensee comes in contact with that the licensee is armed and has a permit in his or her possession.
- Shall abide by the restrictions or limitations placed on the permit.
- Shall not duplicate the CCW permit.
- This permit does not authorize taking a firearm aboard any commercial flight.
- Four hour training certificates are only good for sixty (60) days. The licensee may take a four hour refresher course sixty days in advance, but the permit cannot be renewed before thirty days of expiration.

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- The licensee must notify our agency within ten (10) days of an address change.
- If the permit expires, the licensee will have to start the application process again.

DIRECTIVE C – CCW REPORTING REQUIREMENTS

Pursuant to Penal Code § 12053, the Sheriff-Coroner shall maintain a record of the following and immediately provide copies of each to the California Department of Justice:

- The denial of a license after a background check by the Department of Justice
- The denial of an amendment to a license
- The Sheriff's Licensing Unit shall annually submit to the State Attorney General the total number of licenses to carry concealed weapons issued to reserve peace officers and judges.

DIRECTIVE D – 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)).

DIRECTIVE E – NOTIFICATION OF POLICE CHIEFS

- When a citizen who resides within any incorporated area of a city in Kern County submits an application for a permit, a notification letter will be sent via e-mail by the Confidential Administrative Assistant, to the Chief of Police of that city. The letter will identify the person applying and request any information relevant to the application from the Chief. The Chief or his designee will be expected to notify the Licensing Sergeant within five (5) working days of receipt of the letter. (Refer to attachment A)

DIRECTIVE F – WAIVER OF REQUIREMENTS

No member of the Sheriff's Office, except the Sheriff, may waive any requirements for issuing or retaining a license. Nothing in this policy shall limit or restrict the Sheriff's lawful authority to issue written amendments to this policy.

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