

## **Concealed Carry Weapons License Policy**

### **Purpose:**

The purpose of this executive order is to establish policies and procedures for the issuing and cancelation of a Concealed Carry Weapons Licenses (CCW) within the County of Sutter. This policy replaces the CCW policy dated February 22, 2012.

### **Authority:**

California Penal Code sections 26150 through 26225 provide that a sheriff of a county or the chief or other head of a municipal police department or any city or county may issue a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person (CCW license).

### **Who May Be Issued a CCW License:**

The Sheriff may issue a CCW License to persons who are of good moral character, who have completed a course of training, and where good cause exists for issuance of the CCW license. All applicants for a CCW License will be fingerprinted and state and federal records checked to determine if they are in a prohibiting class. Listed below are all categories that would cause a person to be in a class prohibiting them from possessing firearms and being granted a CCW License.

### **CALIFORNIA PROHIBITING CATEGORIES FOR A CCW LICENSE As of June, 2015**

- Persons convicted of a felony, or any offense enumerated (Penal Code, § 29900 or 29905).
- Persons addicted to the use of narcotics, or registered drug offenders (Pen. Code, § 11590 H&S).
- Persons denied firearm possession as a condition of probation pursuant (Pen. Code, § 29815 (a)(b)).
- Persons convicted of a specified misdemeanor are prohibited from purchasing or possessing firearms for 10 years (Pen. Code, § 29805).
- Juveniles adjudged wards of the juvenile court because they committed a 707(b) Welfare and Institutions Code offense, an offense described in Pen. Code, § 1203.073(b) or any offense enumerated in Pen. Code, § 29805.
- Any person who is subject to a temporary restraining order or an injunction issued pursuant to Code of Civil Procedure sections 527.6 or 527.8, a protective order as defined

in Family Code section 6218, a protective order issued pursuant to Pen. Code, § 136.2 or 646.91, or a protective order issued pursuant to Welfare and Institutions Code, § 15657.03.

- Persons found by a court to be a danger to others because of mental illness.
- Persons found by a court to be mentally incompetent to stand trial.
- Persons found by a court to be not guilty by reason of insanity.
- Persons adjudicated to be a mentally disordered sex offender.
- Persons placed on a conservatorship because they are gravely disabled as a result of a mental disorder or impairment by chronic alcoholism.
- Any person who communicates a threat to a licensed psychotherapist against a reasonably identifiable victim, which has been reported by the psychotherapist to law enforcement.
- Any person who is taken into custody as a danger to self or others under Welfare and Institutions Code section 5150, assessed under Welfare and Institutions Code section 5151, and admitted to a mental health facility under Welfare and Institutions Code 5151, 5152, or certified under Welfare and Institutions Code sections 5250, 5260, and 5270.15.
- Any person who is addicted to the use of narcotics (state and federal).
- Any person who is under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year (federal).
- Any person who has been discharged from the military under dishonorable conditions (federal).
- Any person who is an illegal alien (federal).
- Any person who has renounced his or her US Citizenship (federal).
- Any person who is a fugitive from justice (federal).

**CALIFORNIA PROHIBITING MISDEMEANORS**  
**As of June, 2015**

**Firearm prohibitions for misdemeanor violations of the offenses listed below are generally for ten years from the date of conviction, but the duration of each prohibition may vary. All statutory references are to the California Penal Code, unless otherwise indicated.**

- Threatening public officers, employees and school officials (Pen. Code, § 71).
- Threatening certain public officials, appointees, judges, staff or their families with the intent and apparent ability to carry out the threat (Pen. Code, § 76).
- Intimidating witnesses or victims (Pen. Code, § 136.1).
- Possessing a deadly weapon with the intent to intimidate a witness (Pen. Code, § 136.5).
- Threatening witnesses, victims, or informants (Pen. Code, § 140).
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer (Pen. Code, § 148(d)).
- Unauthorized possession of a weapon in a courtroom, courthouse or court building, or at a public meeting (Pen. Code, § 171(b)).
- Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc. (Pen. Code, § 171(c)).
- Taking into or possessing loaded firearms within the Governor's Mansion or residence of other constitutional officers, etc. (Pen. Code, § 171(d)).
- Supplying, selling or giving possession of a firearm to a person for participation in criminal street gangs (Pen. Code, § 186.28)
- Assault (Pen. Code, §§ 240, 241).
- Battery (Pen. Code, §§ 242, 243).
- Sexual Battery (Pen. Code, § 243.4).
- Assault with a stun gun or Taser weapon (Pen. Code, § 244.5).
- Assault with a deadly weapon other than a firearm, or with force likely to produce great bodily injury (Pen. Code, § 245).

- Assault with a deadly weapon or instrument, by any means likely to produce great bodily injury or with a stun gun or Taser on a school employee engaged in performance of duties (Pen. Code, § 245.5).
- Discharging a firearm in a grossly negligent manner (Pen. Code, § 246.3).
- Shooting at an unoccupied aircraft, motor vehicle, or uninhabited building or dwelling house (Pen. Code, § 247).
- Inflicting corporal injury on a spouse or significant other (Pen. Code, § 273.5).
- Willfully violating a domestic protective order (Pen. Code, § 273.6).
- Drawing, exhibiting, or using any deadly weapon other than a firearm (Pen. Code, § 417, subd. (a)(1) & (a)(2)).
- Inflicting serious bodily injury as a result of brandishing (Pen. Code, § 417.6).
- Making threats to commit a crime which will result in death or great bodily injury to another person (Pen. Code, § 422).
- Bringing into or possessing firearms upon or within public schools and grounds (Pen. Code, § 626.9).
- Stalking (Pen. Code, § 646.9).
- Armed criminal action (Pen. Code, § 25800).
- Possessing a deadly weapon with intent to commit an assault (Pen. Code, § 17500).
- Driver of any vehicle who knowingly permits another person to discharge a firearm from the vehicle or any person who willfully and maliciously discharges a firearm from a motor vehicle (Pen. Code, § 26100, subd. (b) or (d)).
- Criminal possession of a firearm (Pen. Code, § 25300).
- Firearms dealer who sells, transfers or gives possession of any firearm to a minor or a handgun to a person under 21 (Pen. Code, § 27510).

- Various violations involving sales and transfers of firearms (Pen. Code, § 27590, subd. (c)).
- Person or corporation who sells any concealable firearm to any minor (former Pen. Code, § 12100, subd. (a)).
- Unauthorized possession/transportation of a machine gun (Pen. Code, § 32625).
- Possession of ammunition designed to penetrate metal or armor (Pen. Code, § 30315).
- Carrying a concealed or loaded firearm or other deadly weapon or wearing a peace officer uniform, while picketing (Pen. Code, §§ 830.95, subd. (a), 17510, subd. (a)).
- Bringing firearm related contraband into juvenile hall (Welf. & Inst. Code, § 871.5).
- Bringing firearm related contraband into a youth authority institution (Welf. & Inst. Code, § 1001.5).
- Purchase, possession, or receipt of a firearm or deadly weapon by a person receiving inpatient treatment for a mental disorder, or by a person who has communicated to a licensed psychotherapist a serious threat of physical violence against an identifiable victim (Welf. & Inst. Code, § 8100).
- Providing a firearm or deadly weapon to a person described in Welfare and Institutions Code sections 8100 or 8103 (Welf. & Inst. Code, § 8101).
- Purchase, possession, or receipt of a firearm or deadly weapon by a person who has been adjudicated to be a mentally disordered sex offender or found to be mentally incompetent to stand trial, or not guilty by reason of insanity, and individuals placed under conservatorship (Welf. & Inst. Code, § 8103).

**The following misdemeanor convictions result in a lifetime prohibition:**

- Assault with a firearm (Pen. Code, §§ 29800, subd. (a)(1), 23515, subd. (a)).
- Shooting at an inhabited or occupied dwelling house, building, vehicle, aircraft, housecar or camper (Pen. Code, §§ 246, 29800, subd. (a)(1), 17510, 23515, subd. (b)).
- Brandishing a firearm in presence of a peace officer (Pen. Code, §§ 417, subd. (c), 23515, subd. (d), 29800, subd. (a)(1)).
- Two or more convictions of Penal Code section 417, subdivision (a)(2) (Pen. Code, §29800, subd. (a)(2)).

**FEDERAL PROHIBITING CATEGORIES FOR POSSESSING FIREARMS**  
**Gun Control Act of 1968, Title 18 U.S.C. Chapter 44**  
**As of June, 2015**

**Federal law (18 U.S.C. § 922(g)(1-9) prohibits certain individuals from possessing firearms, ammunition, or explosives, The penalty for violating this law is ten years imprisonment and/or a \$250,000 fine. Further, 18 U.S.C. 3565(b)(2) (probation) and 3583(g)(2) (supervised release) makes it mandatory for the Court to revoke supervision for possession of a firearm.**

**Specifically, 18 U.S.C. § 922(g)(1-9) prohibits the following from possessing, shipping/transporting, or receiving any firearm or ammunition:**

- a person convicted of a crime punishable by imprisonment exceeding one year;
- a person who is a fugitive from justice;
- a person who is an unlawful user of or who is addicted to a controlled substance;
- a person who has been adjudicated as a mental defective or who has been admitted to a mental institution;
- an alien who is unlawfully in the United States or who has been admitted to the United States under a nonimmigrant visa;
- a person who has been discharged from the Armed Forces under dishonorable conditions;
- a person who, having been a citizen of the United States, renounces his citizenship;
- a person subject to a court order that was issued after a hearing in which the person participated, which order restrains the person from harassing, stalking, or threatening an intimate partner or partner's child, and which order includes a finding that the person is a credible threat to such partner or partner's child, or by its terms prohibits the use, attempted use or threatened use of such force against such partner or partner's child.
- a person who has been convicted of a misdemeanor crime of domestic violence.

**Other factors the Sheriff will consider as to why a CCW license would **not** be issued to an individual:**

1. The applicant does not reside in Sutter County.
2. The applicant is not a legal resident of the United States.
3. The applicant has a criminal history such as substance or alcohol abuse.
4. The applicant was dishonorably discharged from military service.
5. The applicant has a history of mental illness.
6. The applicant was previously denied a license to carry a concealed weapon.
7. The applicant had a concealed weapons license revoked.
8. The applicant has a history of violence or unstable personality.
9. The applicant is physically unable to handle or qualify in handling the weapon.

10. The applicant is untruthful in any portion of the application process.
11. The applicant is a member, associate, prospect or part of any prison gang, outlaw motorcycle gang, or criminal street gang as defined by the U.S. Department of Justice 18USC521 or 186.22 of the Penal Code.

**1. Procedures for Obtaining a CCW License:**

All persons requesting a CCW license must follow the following procedures:

- 1.1 Each applicant shall complete the California Department of Justice (DOJ), Standard Application for a Permit to Carry a Concealed Weapon (CCW).
- 1.2 Each applicant will make an appointment to meet with the CCW Licensing Authority and bring with them to the meeting their CCW license application and all weapons he/she wishes to be placed on the CCW license. Each applicant can have up to three (3) weapons on their CCW license which must be legally registered to them or immediate living family member. The CCW Licensing Authority will conduct a detailed interview with the applicant based on the information within the application. The CCW Licensing Authority and the applicant will sign and date the application in the Public Disclosure Admonition section. If the applicant had signed and dated the application prior to the interview, the CCW Licensing Authority will line through the signature and date, and will have the applicant sign and date in his/her presence. If during the interview information is developed that causes the applicant to fall within a prohibiting class as stated above, the applicant will be immediately disqualified. If during the interview it is determined the applicant provided false information on the application, they will be immediately disqualified. If during the interview information is developed that calls into question whether the applicant falls within a prohibiting class, the CCW Licensing Authority will forward the application with his/her comments through the chain of command to the Sheriff for final approval or disqualification. If the applicant is disqualified for any reason, the Records Unit will notify DOJ that the applicant was denied a CCW License and the reason for the denial.

If good cause is warranted for the applicant to have a CCW license, the applicant will be given a certificate of good cause for a CCW license. The certificate will be valid for a period of ninety (90) days from the date of issuance.

- 1.3 All applicants must complete a course of training from an approved instructor. *California Penal Code section 26165(a)(b)(c)(d) specifies that new license applicants must complete a course of training.* The instruction must be at least eight (8) hours and include firearms safety and the law regarding the permissible use of a firearm. The course of training must also include qualification for all weapons listed on the CCW

**License. (Refer to section 6, which details the criteria for an approved instructor for a CCW License course.)**

- 1.4 Once the application is approved and the applicant successfully completes the approved training, the applicant shall be fingerprinted through Live Scan and pay a fee based on the current fee schedule in the Records Unit. Sutter County Sheriff Correctional Officers and Reserve Deputies will also pay a fee based on the current fee schedule for Live Scan to the DOJ. The Sheriff's office fee will be waived. The CCW Licensing Authority shall give written notice to the applicant indicating if the license is approved or denied within ninety (90) days of the initial application for a new license or a license renewal or thirty (30) days after receipt of the applicant's criminal background check from the DOJ, whichever is later.
- 1.5 Upon receipt of DOJ of and FBI clearance, the applicant will be notified that they can pick up their CCW License, upon showing proper identification, at the Records Unit during normal business hours. In the event DOJ or FBI records disqualify the applicant, they will be notified in writing of their disqualification.
- 1.6 Upon issuing a CCW License, the Records Unit will make an annotation in the Crime Management System (CMS) Weapons Registry and the Computerized Assisted Dispatch (CAD) system generating a Be On the Look Out (BOLO) bulletin identifying the person who has been issued the CCW License and the license number. The expiration date for the BOLO will be the license expiration date.
- 1.7 The procedure for appealing a CCW License denial shall be via the chain of command ending with either the Undersheriff or Sheriff. The applicant shall be notified in writing within seven (7) days as to the status of their appeal.

## **2. Procedures for Renewing a CCW License:**

- 2.1 CCW licensees must renew their CCW License every two (2) years. Sutter County Sheriff Reserve Deputies and Correctional Officers must renew their CCW License every four (4) years. Applicants must complete an updated course of training and the training shall be no less than four (4) hours in length, and shall include instruction on at least firearm safety and the law regarding permissible use of a firearm and qualification with each weapon listed on the CCW License. If a Correctional Officer or Reserve Deputy leaves his/her employment with the Sutter County Sheriff's Office and the license has more than two (2) years left before its expiration date, the license will be modified to two (2) years.
- 2.2 Upon completion of the approved course of training, the applicant must pay a renewal fee based on the current fee schedule for another two (2) years.



2.3 A CCW licensee must renew their CCW License within six (6) months of the expiration date on their permit. If a CCW licensee fails to renew their license prior to or upon their expiration date, their CCW License will be invalid, but they may renew during that six (6) month period. If they fail to renew after six (6) months, the Records Unit will generate a "No Longer Interested" letter and send to DOJ indicating the CCW licensee is no longer interested. If the CCW License is over six (6) months expired, the Sheriff may approve a longer extension. The Records Unit will also make an annotation in the CAD system generating a BOLO reporting the CCW License is expired. Once the six (6) month period has passed and a CCW licensee wishes to renew their license, they must complete the original application procedures 1.1 through 1.6 to obtain a CCW License.

### **3. Procedures for Canceling a CCW License:**

While exercising the privileges under the terms of the CCW license, the licensee shall not, when carrying a concealed weapon:

- Consume any alcoholic beverage.
- Be in a place having a primary purpose of dispensing alcoholic beverages for on-site consumption.
- Be under the influence of any medication or drug, whether prescribed or not.
- Refuse to show the license or surrender the concealed weapon to any peace officer upon demand.
- Impede any peace officer in the performance of his/her duties.
- Present himself/herself as a peace officer to any person unless he/she is, in fact, a peace officer as defined by California law.
- Unjustifiably display a concealed weapon.
- Carry a concealed weapon not listed on the CCW license.
- Carry a concealed weapon at times or circumstances other than those specified in the CCW License.

Pursuant to U.S. Government Code – Title 49, Chapter 26, Section 6505 and Federal Aviation Regulation 121.583, a license to carry a concealed weapon does not authorize a person to carry a firearm, tear gas, or any dangerous weapon aboard commercial airlines. Further, a person must declare that he/she is carrying such firearm, tear gas, or dangerous weapon BEFORE entering the boarding area of an air terminal where security checks are made. Such violation can result in arrest by law enforcement.

Any violation of these restrictions or conditions may invalidate the CCW License and may void any further use of the license until reinstated by the Sheriff. Any arrest for a felony or serious misdemeanor, including driving under the influence or alcohol and/or drugs, is cause for invalidating the license.

#### **3.1 Responsibilities:**

- a. In the event a CCW licensee is arrested for any of the offenses listed above, the arresting officer will confiscate their CCW License. The CCW License will be forwarded to the CCW Licensing Authority and he/she will conduct an inquiry into the arrest and forward his/her recommendations to the Sheriff who will make the determination if the license should be canceled. If the Sheriff determines the CCW License should be canceled, the Records Unit will make a change in the BOLO within the CAD system removing the expiration date and indicating that the CCW License has been canceled. The Records Unit will also send a "No Longer Interested" letter to DOJ and the CCW Licensing Authority will send a letter to the CCW licensee informing him/her that their CCW License has been canceled.
- b. If, during the investigation, a suspect is identified and the suspect holds a CCW License the CCW Licensing Authority will conduct an inquiry and forward the recommendations to the Sheriff who will determine if the CCW License should be canceled. If the Sheriff cancels the CCW License, the Records Unit will make an annotation in the CAD system requesting the CCW License be confiscated upon contact. The CCW Licensing Authority will forward a letter to the CCW licensee informing him/her that their CCW License has been canceled. Once the CCW License is confiscated it will be forwarded to the CCW Licensing Authority as stated in 3.1 a.
- c. In the event a valid CCW licensee moves out of the county and they surrender their CCW License, the Records Unit will generate a "No Longer Interested" letter and forward it to DOJ, then make the necessary annotations in the CAD system generating a BOLO canceling the CCW License.
- d. Applications for amendments to licenses shall be filed in writing and signed by the applicant, and shall state what type of amendment is requested. A person issued a CCW License may apply to the Sheriff 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.

5. When the licensee changes his/her address, the licensee shall notify the Sheriff within ten (10) days of a change of address.

When a CCW licensee amends their license, they shall be issued a new license reflecting the new amendments.

- e. If a CCW licensee moves into Sutter County from another county their CCW License is valid for ninety (90) days. If the licensee requests a new license, he/she must complete the CCW License process as outlined in section 1.1 through 1.6.

#### **4. Other Related Duties:**

4.1 Copies of each of the following shall be filed immediately by the Records Unit with the DOJ:

- 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.

4.2 Each year the CCW Licensing Authority will 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.

#### **5. Procedures for Purging CCW Licenses:**

In accordance with Sutter County Board of Supervisors' Resolution 2000-037, all canceled, expired, and revoked CCW licenses will be purged by shredding every two (2) years.

#### **6. Procedures for Becoming an Approved Instructor for CCW License Courses**

Persons wishing to become a Sutter County Sheriff's Office approved instructor for CCW licensing courses must comply with the following procedures:

6.1 Submit a letter to the Sheriff requesting to be added to the list of approved instructors.

6.2 The Sheriff will forward the letter to the training officer and he/she will reply to the requestor providing them with the criteria for acceptance as an approved instructor.

6.3 The Sheriff's criteria for an approved instructor:

- a. The instructor must possess an NRA Range Master Certificate or a California P.O.S.T. Range Master Certification.
- b. Identify all assistant instructors. Assistant instructors must possess some level of certification such as California P.O.S.T. Range Master Certificate or a National Rifle

Association (NRA) Pistol Instructor Certificate. Assistant instructors must work under the guidance of the Approved Instructor at all times.

- c. Instructor must submit a detailed training outline which includes firearms safety and the law regarding the permissible use of a firearm.
  - d. An outline for a fifty (50) round course of fire with a minimum passing score of 70% using a B-27 target.
  - e. Address where the course will be taught and location of range.
  - f. A current certificate of insurance.
  - g. Live Scan DOJ records check for all instructors.
- 6.4 Once the request is received and reviewed and it is determined the requestor meets the minimum criteria, the Sheriff may approve the instructor. The CCW Licensing Authority will notify the instructor in writing that he/she has been added to the list of approved instructors. The letter will also notify the instructor that it is incumbent upon him/her to notify the Sheriff in the event there is a change in his/her status, e.g. the addition or elimination of an assistant instructor, a change in range location, a denial of insurance, or any other circumstance that could negatively impact their ability to meet the minimum criteria of the Sheriff for an approved instructor.
- 6.5 In the event a change in the status of the instructor prevents him/her from meeting the criteria for an approved instructor, or information is developed which indicates there is a change in status, the CCW Licensing Authority will conduct an inquiry. If the inquiry determines the instructor no longer meets the criteria set forth by the Sheriff, the instructor will be removed from the list of approved instructors until they can show they have met the minimum criteria.
- 6.6 Instructors approved prior to the policy update shall be deemed to be in compliance for a period of twenty-four (24) months from the date of the policy change, after which, they must become compliant with all sections of this policy.