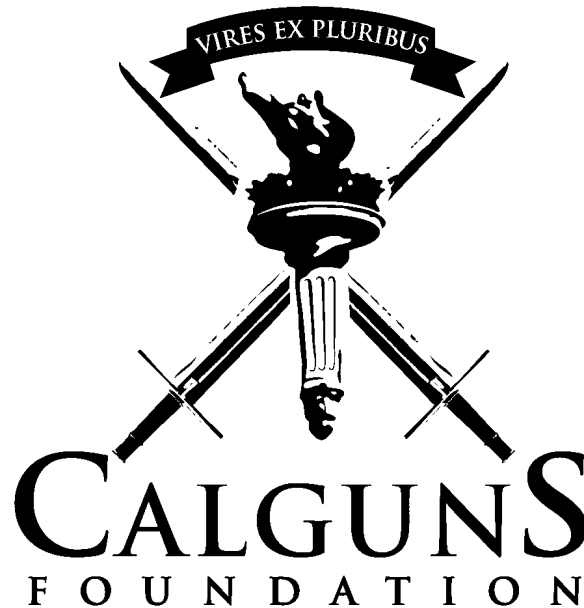


LICENSE TO CARRY A HANDGUN (“LTC”) MODEL POLICY

Proudly brought to you by:



GUN RIGHTS. CIVIL RIGHTS. YOUR RIGHTS.

The Calguns Foundation (“CGF”) (www.calgunsfoundation.org) is a 501(c)3 non-profit organization which serves its members and the general public by providing Second Amendment-related education, strategic litigation, and the defense of innocent California gun owners from improper or malicious prosecution. The Calguns Foundation seeks to inform government and advance the right of individuals to acquire, own, and lawfully use firearms in California.

CGF’s Carry License Sunshine and Compliance Initiative is a grassroots education and litigation campaign designed to: (A) procure and publish objective carry license-related records and other data (going to actual issuance/denial, contours of policies (both as-written and as-applied)); (B) force licensing authorities to comply with state statutes, precedent, and the Constitution; (C) track and monitor local practices; (D) support applicants and licensees; and (E) develop and promulgate materials related to the above.

Revised: January 2012

Changes in this revision: Incorporates SB 610 (Wright, 2011), improved formatting, minor language changes

License to Carry (“LTC”) Model Policy

(COUNTY / CITY OF XXXXX)
XXXXX (SHERIFF’S / POLICE) DEPARTMENT
FIREARM LICENSE TO CARRY (“LTC”) POLICY
POLICY No. XXX

I. PURPOSE AND SCOPE

XXXXX Department (the “Department”) policy no. XXX, entitled “Firearm License to Carry (“LTC”) Policy”, is hereby adopted as of XXXXX date by Sheriff/Chief of Police XXXXX and shall constitute the entire policy and practices of the Department relating to licenses and applications for licenses to carry firearms under California Penal Code §§26150 - 26225.

The (sheriff/chief of police), upon proof that the person applying is of good moral character, that good cause exists for the issuance, that the person applying satisfies residency or business location requirements, and has completed a course of training (as set forth in this policy) may issue to that person a License to Carry (LTC) a handgun. This policy is the Department’s written process for the application and issuance of such licenses. Pursuant to §26160, this policy shall be published and made available to the public.

II. QUALIFIED APPLICANTS

In order to apply for a LTC, the applicant must meet the following requirements:

- A. Be a resident of XXXXX (County / City), or, for a 90-day employment-based LTC, be physically present in the jurisdiction during a substantial part of the applicant’s working hours for purposes of that employment or business (employment LTCs may only be issued by county sheriffs; see Section VI of this policy).
- B. Be at least 18 years of age.
- C. Complete an application that will include substantial personal information, much of which is subject to disclosure under the Public Records Act.
- D. Be free from criminal convictions or other prohibiting conditions that would disqualify the applicant from possessing a firearm.

NOTE: applicants may inquire as to their eligibility to possess and own firearms prior to submitting any application by completing the “Personal Firearms Eligibility Check” form, which can be found at <http://ag.ca.gov/firearms/forms/pdf/pfecapp.pdf>, and submitting it to the California Department of Justice (“DOJ”) in accordance with their instructions.

- E. Provide fingerprints and successfully complete a criminal background check.
- F. Be of good moral character. For purposes of this policy, “good moral character” shall be deemed to exist if the applicant may lawfully possess and own firearms.
- G. Show good cause for the issuance of the license. For the purposes of this policy, good cause shall be deemed to exist if the applicant asserts their fundamental right of “self defense”.
- H. Pay all required fees in the manner and at the time prescribed in this policy.

III. APPLICATION PROCESS

The application process for a LTC shall consist of four phases. The applicant shall promptly complete all components of a phase (as may be required) before proceeding to the next phase.

A. PHASE ONE - APPLICATION AND INITIAL FEES

i. NEW APPLICANTS

a. This subsection shall apply to those who have never applied to **this Department** for a LTC and others as instructed by this Policy. Applicants shall fully complete a DOJ Standard Application Form (BCIA 4012 (6/99)) and return it and the initial fees to the Department as instructed in this policy. The application must be signed by the applicant to be considered complete.

b. Standard application forms may be downloaded at the Department's website at www.xxxxxxx.ccc. Applicants may receive a free copy of the application at the following Department location(s):

XXXXX Department
LTC Processing Unit
123 Main St.
Anytown, CA 99999

c. This Department (does / does not) require an appointment to submit an application. Appointments may be scheduled by calling (xxx) xxx-xxxx, by emailing xxx@xxx.xxx, or on the internet by completing the form at www.xxxxxxx.ccc.

d. The completed application shall be personally returned by the applicant (hand-delivered) to the Department at the following address:

XXXXX Department
LTC Processing Unit
123 Main St.
Anytown, CA 99999

e. If an incomplete application is received, the Department will inform the applicant of the deficiencies in writing.

f. The applicant shall submit payment for initial fees in the amount of \$**XXX.00** for the \$95.00 for the DOJ background check and report, \$**20.00** initial local fee (which is twenty percent [20%] of the total local application fee of \$**100.00**), plus the local fingerprint rolling fee of \$**XX.00**. The balance of the local fee shall be collected only upon issuance of a license.

g. Payment of local fees may be waived if the applicant has been deputized or appointed as a peace officer by the (Sheriff / Chief) of the Department pursuant to subdivision (a) or (b) of Penal Code §830.6.

- h. For the purposes of this policy, the following are acceptable forms of payment to the Department: credit/debit card, personal check, business check, money order/cashier’s check. Money orders and checks should be made out to “XXXXXX Department”.
- i. Any person who files an application knowing that statements contained therein are false is guilty of a misdemeanor.
- j. Any person who knowingly makes a false statement on the application regarding any of the following shall be guilty of a felony: the denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to Penal Code §26150 (formerly §12050); a criminal conviction; a finding of not guilty by reason of insanity; the use of a controlled substance; a dishonorable discharge from military service; a commitment to a mental institution; a renunciation of United States citizenship.

ii. RENEWAL & FORMER LTC LICENSEE APPLICANTS (WITHOUT LIVE SCAN)

- a. Renewal and other applicants who were previously issued a LTC by this Department whose fingerprints and DOJ background check fee HAVE NOT BEEN previously sent to the DOJ by Live Scan shall apply for a LTC as follows:

- i. RENEWAL & FORMER LTC LICENSEE APPLICANTS

- All applicants who were previously issued a LTC by this Department pursuant to §26150, et seq. (formerly §12050, et seq.), whose fingerprints and DOJ background check fee HAVE NOT BEEN previously sent to the DOJ by Live Scan, shall complete the application procedure in (III)(A)(i), above, no later than 90 days prior to the expiration of the license.

iii. RENEWAL & PREVIOUSLY-DENIED APPLICANTS (WITH LIVE SCAN)

- a. Renewal and other applicants who were previously issued a LTC by this Department, as well as applicants previously denied by this Department, whose fingerprints and DOJ background check fee HAVE BEEN previously sent to the DOJ by Live Scan shall apply for a LTC as follows:

- i. RENEWAL & FORMER LTC LICENSEE APPLICANTS

- Renewal and former LTC holder applicants shall submit to the Department a signed and dated written request for license renewal by (US Mail / courier / hand delivery) at the following address:

XXXXX Department
LTC Processing Unit
123 Main St.
Anytown, CA 99999

Along with the written renewal request, the applicant shall submit payment in the amount of \$77.00 for the renewal fees, which includes a \$25.00 local renewal fee in addition to a \$52.00 DOJ renewal background check fee.

For the purposes of this policy, the following are acceptable forms of payment to the Department: credit/debit card, personal check, business check, money order/cashier’s check. Money orders and checks should be made out to “XXXXX Department”.

No fingerprints shall be required; applicants are to proceed to PHASE THREE <<or PSYCHOLOGICAL EXAM>>.

ii. PREVIOUSLY DENIED APPLICANTS

Previously-denied applicants shall submit to the Department a signed and dated written request for a LTC, to include identifying information for any previous applications made and Live Scan fingerprinting, by (US Mail / courier / hand delivery) at the following address:

XXXXX Department
LTC Processing Unit
123 Main St.
Anytown, CA 99999

Along with the written request, the applicant shall submit payment in the amount of \$20.00 for the initial local fee, which is twenty percent (20%) of the total local application fee of \$100.00.

For the purposes of this policy, the following are acceptable forms of payment to the Department: credit/debit card, personal check, business check, money order/cashier’s check. Money orders and checks should be made out to “XXXXX Department”.

No fingerprints shall be required; applicants are to proceed to PHASE THREE <<or PSYCHOLOGICAL EXAM>>.

B. PHASE TWO – FINGERPRINTING AND BACKGROUND CHECK
<<AND PSYCHOLOGICAL EXAM>>

Applicants who must submit Live Scan fingerprints to the Department of Justice and/or complete a psychological exam shall complete Phase Two as follows:

i. FINGERPRINTS SHALL BE TAKEN AND FORWARDED TO DOJ IF REQUIRED

- a. If fingerprints are required, the officer receiving the application and fees shall take the applicant’s fingerprints and transmit them to the Department of Justice.
- b. The Department shall take the applicants' fingerprints in the manner prescribed by the Department of Justice and promptly forward them to the DOJ for processing. The DOJ requires the Department to use the “Live Scan” fingerprinting method.
- c. Fingerprints shall not be required if the license applicant has previously applied to the same licensing authority and the applicant's fingerprints and fee have been previously forwarded to the DOJ (§26185(b)) or if the license applicant has a LTC issued pursuant to §26150, et seq. and the applicant's fingerprints have been previously forwarded to the DOJ (§26185(c)).

ii. DOJ TO ISSUE REPORT PRIOR TO ISSUANCE

- a. DOJ will promptly mail to the Department a report of all data and information pertaining to any applicant of which there is a record in its office, including information as to whether the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.
- b. No license shall be issued by the Department until after receipt of the report from the DOJ.

iii. <<PSYCHOLOGICAL EXAM>> (OPTIONAL)

- a. <<This Department requires all applicants to undergo a psychological examination. Approved applicants shall be referred to a licensed psychologist used by the Department for the psychological testing of its own employees. The applicant may be charged for the actual cost of the testing in an amount not to exceed one hundred fifty dollars (\$150.00). Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary. The cost to the applicant for this additional testing shall not exceed one hundred fifty dollars (\$150.00).>> (OPTIONAL)

C. PHASE THREE – DETERMINATION & NOTICE

i. THE DEPARTMENT SHALL MAKE A DETERMINATION

After the applicant has completed Phase One (and Phase Two if required), and after the Department has received the DOJ background check report, the Department will make its determination upon the application. No determination shall be made and no license will be issued until after receipt of the background check report from the DOJ.

ii. TIME LIMITS FOR DETERMINATION

The Department shall give written notice to the applicant indicating if the license under this article is approved or denied. The Department shall give this notice within 90 days of the initial application for a new license or a license renewal, or 30 days after receipt of the applicant's criminal background check from the DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied.

iii. SUBSTANCE OF WRITTEN NOTICE

Upon making the determination of good cause pursuant to §26150/26155, the Department shall give written notice to the applicant of the licensing authority's determination. If the licensing authority determines that good cause exists, the notice shall inform the applicants to proceed with the training requirements specified in Section (IV) of this policy. If the Department determines that good cause does not exist, the notice shall inform the applicant that the request for a license has been denied and shall state the reason from this policy as to why the determination was made.

iv. DENIED APPLICANTS MAY RE-APPLY

Applicants may re-apply at any time by following the process outlined in (III)(A)(iii)(a)(ii), above.

D. PHASE FOUR – PROOF OF TRAINING, ISSUANCE, AND RESTRICTIONS

i. PROOF OF TRAINING

Applicants that are approved must complete the required training in accordance with Section (IV) of this policy and submit the original copy of their proof of training to the Department by (US Mail / courier / hand delivery) to the following address:

XXXXX Department
LTC Processing Unit
123 Main St.
Anytown, CA 99999

ii. ISSUANCE OF THE LICENSE

After meeting all requirements, including approval, the applicant will be issued a LTC in the appropriate format. The LTC shall set forth the licensee's name, occupation, residence and business address, his or her age, height, weight, color of eyes and hair, the reason for desiring a license to carry the weapon, and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacturer, the serial number, and the caliber. The license issued to the licensee may be laminated.

An “employment” LTC is valid for ninety (90) days from the date of issuance.

A “civilian” LTC is valid for two (2) years from the date of issuance.

A “judicial” LTC issued to a state or federal magistrate, commissioner, or judge will be valid for a period of three (3) years from the date of issuance.

A “reserve/custodial” LTC issued to any reserve peace officer as defined in Penal Code §830.6 (a) or (b), or a custodial officer employed by the (Sheriff / Chief) as provided in Cal. Penal Code § 831.5, will be valid for a period of four (4) years from the date of issuance, except that such license shall be invalid upon the individual's conclusion of service as a reserve or custodial officer.

The licensee shall notify the Department in writing within ten days of any change of place of residency. If the licensee moves out of the jurisdiction of issuance, the license shall expire ninety (90) days after the licensee has moved.

iii. RESTRICTIONS

A license may include any reasonable restrictions or conditions which the (Sheriff / Chief) deems warranted, including restrictions as to the time, place, manner, and circumstances under which the person may carry a handgun. Any such restrictions shall be printed on the license issued.

IV. TRAINING

A. NEW APPLICANTS

For new license applicants, the course of training shall be a minimum of **X** hours, performed by a Department-approved LTC trainer, and include instruction on at least firearm safety and the law regarding the permissible use of a firearm.

B. RENEWAL APPLICANTS

For license renewal applicants, the course of training shall be no less than **four** hours, performed by a Department-approved LTC trainer, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. No course of training shall be required for any person certified by the Department of Justice as a firearms instructor in order for that person to renew a license.

C. PROOF OF COMPLETION OF TRAINING

Proof of completion of the required training must be signed by the instructor and must not have been completed more than six months prior to the date of the application.

D. APPROVED TRAINERS

A list of Department-approved LTC trainers shall be made available with each copy of the application provided by the Department as well as on its website at www.xxxxxxx.ccc.

V. AMENDMENTS TO LICENSES

A. AMENDMENT APPLICATION PROCESS

- i. Any licensee may apply to amend a license at any time during the period of license validity by completing and submitting a standard DOJ Application for License Amendment form along with the local processing fee of \$10 to the Department by (US Mail / courier / hand delivery) to the following address:

XXXXX Department
LTC Processing Unit
123 Main St.
Anytown, CA 99999

- ii. License amendment application forms may be found at the Department's website at www.xxxxxxx.cc.
- iii. Applicants may receive a free copy of the application at the following Department locations:

XXXXX Department
LTC Processing Unit
123 Main St.
Anytown, CA 99999

- iv. In the event that any amendment to a valid license is approved by the (Sheriff/Chief), a new license will be issued reflecting the amendment(s).
- v. An amendment to any license will not serve to extend the original expiration date, and an application for an amendment does not constitute an application for renewal of the license.

B. REASONS FOR LTC AMENDMENT

- i. Licensees may apply for an amendment for any or all of the following:
 - a. Add or delete authority to carry a particular firearm under the license.
 - b. Change restrictions or conditions previously placed on the license.
 - c. Change the address or other personal information of the licensee.

VI. 90-DAY (BUSINESS / EMPLOYMENT-BASED) LICENSES

A. AUTHORITY TO ISSUE IS LIMITED TO THE SHERIFF

The authority to issue a limited business/employment LTC to a non-resident applicant is vested only in the Sheriff of the county in which the applicant works or maintains a business. A chief of a municipal police department may not issue employment-based LTCs.

B. CONDITIONS TO BE MET FOR NON-RESIDENT EMPLOYMENT-BASED LTC

An individual who is not a resident of XXXXX County may apply for a limited 90-day employment-based LTC subject to approval of the Sheriff and the following:

- i. The applicant is physically present in the County of XXXXX during a substantial part of the applicant's working hours for purposes of that employment or business.
- ii. A limited business license will be valid for a period not to exceed 90 days from the date of issuance.
- iii. The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides.
- iv. Any application for renewal or re-issuance 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.
- v. An individual who is qualified to submit an application for a limited employment-based license under Sections (II) and (VI)(B)(i), above, shall complete all phases of the application process in accordance with Sections (III) and (IV) of this policy.

VII. DEPARTMENT REPORTING, RECORDS, AND REVOCATIONS

A. REQUIRED REPORTING

- i. Pursuant to Penal Code §26225, the Department shall maintain a record of the following and immediately provide copies of each to the DOJ:

The denial of a license; the denial of an amendment to a license; the issuance of a license; the amendment of a license; the revocation of a license.

- ii. The Department shall annually submit to the State Attorney General the total number of licenses issued to reserve peace officers and judges.

B. APPLICATIONS AND LICENSE ARE PUBLIC RECORDS

- i. Applications, licenses, and many related documents are partially or entirely disclosable public records and subject to access, reproduction, and publication by any organization or member of the public.

C. REVOCATIONS

- i. The license shall be revoked if at any time either the Department is notified by the DOJ that a licensee is prohibited by state or federal law from owning or purchasing firearms, or the Department determines that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.
- ii. If the Department revokes the license, the DOJ shall be notified of the revocation. The licensee shall also be immediately notified of the revocation in writing.

###END###