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10 *Attorneys for Defendants* CHARLIE BECK and CITY OF LOS ANGELES

11 **SUPERIOR COURT OF CALIFORNIA**  
12 **IN AND FOR THE COUNTY OF LOS ANGELES**

13 ANTHONY MARIO ASSENZA, *et al.*,  
14 Plaintiffs and Petitioners

15 vs.

16 CITY OF LOS ANGELES, *et al.*,  
17 Defendants and Respondents

CASE NO. BC 115813

**DEFENDANTS' SUPPLEMENTAL NOTICE  
OF COMPLIANCE WITH COURT ORDER;  
DECLARATIONS OF JUSTIN EISENBERG,  
JON PETERS AND DEBRA L. GONZALES;  
EXHIBIT**

**Department 14  
Honorable Terry A. Green**

18  
19 Defendants/Respondents provide the following information and documents in response to  
20 Honorable Terry Green's Order dated July 6, 2011:

21 1. On September 21, 2011, the Los Angeles Police Department (LAPD) posted the  
22 information concerning the Carry Concealed Weapon (CCW) license application process, including  
23 the Department's CCW Application Guidelines and Policy and the State of California, Department  
24 of Justice Standard Application for CCW License, on the Department's website. (Declaration of  
25 Debra L. Gonzales, ¶ 3) During the preparation of the information for posting on the website, the  
26 Department reviewed its existing CCW Application Guidelines and Policy consisting of three and  
27 half pages. The Department made revisions to the CCW Application Guidelines and Policy to make  
28 them more user-friendly for potential applicants by eliminating redundant language and

1 reorganizing the information so that the requirements are easily identified. (Declaration of Debra  
2 L. Gonzales, ¶ 3) Interested persons may now access information concerning applying for a CCW  
3 license by going to the Department’s website at [www.lapdonline.org](http://www.lapdonline.org) and clicking on the “Get  
4 Informed” button on the left side of the home page. On the “Get Informed” page, under the  
5 heading “Resources” there is a link entitled “CCW – Carrying a Concealed Weapon Application  
6 and Policy.” Clicking on that link will take the reader to a page with a link entitled “LAPD  
7 Concealed Weapon License Policy/DOJ CCW Application.” Clicking on that link will take the  
8 reader to a PDF document containing the Department’s CCW Application Guidelines and Policy  
9 and the State of California, Department of Justice Standard Application for CCW License (Form  
10 BCIA 4012). (Declaration of Debra L. Gonzales, ¶ 4)

11 2. North Hollywood Area Captain Justin Eisenberg and Pacific Area Captain Jon Peters  
12 were on vacation when Defendants/Respondents filed their Notice of Compliance with Court Order  
13 on September 7, 2011. Upon their return, Captains Eisenberg and Peters signed a declaration under  
14 penalty of perjury attesting to the steps they have taken to ensure compliance with the *Assenza*  
15 judgment. Each of the sworn declarations is attached hereto.

16 DATE: September 23, 2011

Respectfully submitted,

CARMEN A. TRUTANICH, City Attorney  
CARLOS DE LA GUERRA, Managing Assistant City Attorney  
DEBRA L. GONZALES, Assistant City Attorney

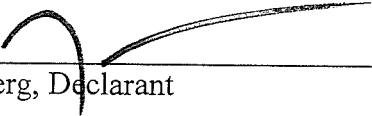
By:   
DEBRA L. GONZALES  
Assistant City Attorney

Attorneys for Defendants/Respondent



1 questions about the process of applying for a concealed weapon license shall be referred to the  
2 Department's Gun Unit. These instructions have been given to all North Hollywood Area  
3 employees through supervisors meetings and roll call training.

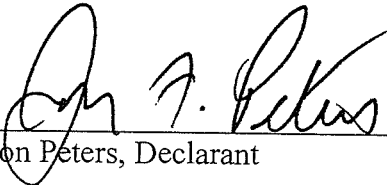
4 I swear under penalty of perjury under the laws of the State of California that the foregoing is  
5 true and correct. Executed this 14 day of SEPTEMBER, 2011 at Los Angeles, California.

6  
7  
8   
Justin Eisenberg, Declarant



1 Gun Unit. These instructions have been given to all Pacific Area employees through supervisors  
2 meetings and roll call training.

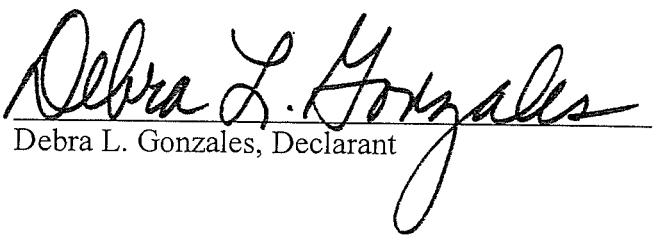
3 I swear under penalty of perjury under the laws of the State of California that the foregoing is  
4 true and correct. Executed this 20<sup>TH</sup> day of SEPTEMBER, 2011 at Los Angeles, California.

5  
6  
7   
8 Jon Peters, Declarant



1 Department of Justice Standard Application for CCW License (Form BCIA 4012). True and correct  
2 copies of the above-described website pages are attached hereto as Exhibit 1.

3 I swear under penalty of perjury under the laws of the State of California that the foregoing is  
4 true and correct. Executed this 22nd day of September, 2011 at Los Angeles, California.

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8 Debra L. Gonzales, Declarant

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# **EXHIBIT**

**1**



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### Purple Heart Program

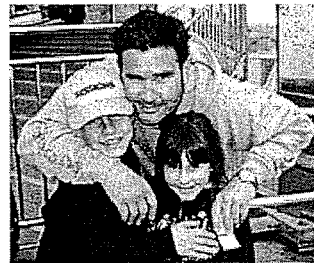
2011 Purple Heart Program

2011 Survive and Thrive  
Run/Walk Health & Safety  
Expo

2011 Survive and Thrive  
Run/Walk Expo

### Community Alert

Attempt Murder - Dodger  
Stadium

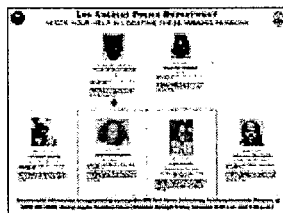


[more>](#)

### Grim Sleeper - New Victims

Grim Sleeper Victims

[New Grim Sleeper  
Poster](#)



### Gone But Not Forgotten; Saluting Our Heroes

Vincent L. Leusch



[more>](#)

Joseph Romero



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LAPDTV.org

CRIME MAPPING  
AND COMPSTAT

▼ **Armed Calls** -7.8%

▼ **Reported Calls** -6.5%

**crime is  
down  
-6.7%**

**crime map in  
your  
community**

**LAPD is Hiring!**  
*Starting at \$45,226.00*

**LAPD CADETS**

### MESSAGE FROM THE CHIEF



Chief Charlie Beck

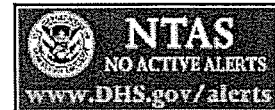
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### HOMELAND SECURITY



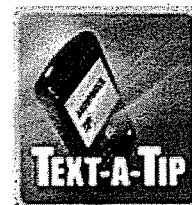
Terrorism  
Suspicious Activity Reporting  
(SAR)

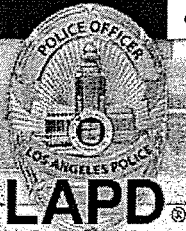
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### Media Relations Handbook





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[DNA Monthly Report](#)

[2010 End of Year Snap Shot](#)

[2010 End of Year Snap Shot - Homi vs Ofcrs](#)

[Law Links and Legal Reference Information](#)

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[Standardized Training for Alcohol Retailers \(STAR Training\)](#)

[LAPD Station Area Map](#)

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[Domestic Violence](#)

[Useful Information for Families and Friends of Elderly Persons](#)

[Protect Yourself Against Elder Abuse](#)

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### CONSENT DECREE

[Civil Rights Consent Decree](#)  
Following the discovery and disclosure of the Rampart Area Corruption Incident by the Los Angeles Police Department, the United States Department of Justice (DOJ) notified the City of Los Angeles that it intended to file a civil suit alleging that the Department was engaging in a pattern or practice of excessive force, false arrests and unreasonable searches and seizures. [more>](#)

### CRIME STATISTICS

[LAPD crime statistics for the City of Los Angeles & links to Web Sites containing information on crime trends throughout California and the United States.](#) [more>](#)

### 2011 COMMUNITY POLICE ACADEMY SCHEDULE'S

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## INTERESTING FACTS

Venice Beach is the second largest tourist attraction in California, after Disneyland

The LAPD was established in 1869

The Los Angeles Police Academy was used for the 1932 Olympic Game's pistol and rifle competitions

The Los Angeles Police Academy remains a favorite of filmmakers, whose "Academy Arches" are recognizable around the world

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LAPD Adult Missing Persons  
Unit

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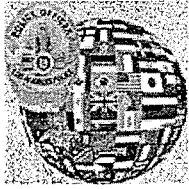
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CCW - Carrying a  
Concealed Weapon  
Application and Policy

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**The Los Angeles Police Department**

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## CCW - Carrying a Concealed Weapon Application and Policy

**Click on the information below for more detail:**

**[LAPD Concealed Weapon License Policy/ DOJ CCW Application](#)**

### INTERESTING FACTS

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## **Carry a Concealed Weapon (CCW) Application Guidelines**

**Applicant:** Upon completion of your CCW application, it will be necessary for you to appear in person to have your application reviewed by a member of the Los Angeles Police Department, Gun Unit.

Please contact the Gang and Narcotics Division, Gun Unit at (213) 486-5360 to schedule your appointment.

You will be required to show proof of residency in the city of Los Angeles by bringing in a California Driver's License or Identification Card and a recent utility bill or rent receipt that shows your name and address.

**Training Requirement:** A firearms training course is required as described in the Los Angeles Police Department (LAPD) Carry Concealed Weapon License Policy. Therefore, the applicant must furnish proof to the LAPD Gun Unit that he or she has completed a course of training and it shall be submitted with the application.

## LAPD CARRY CONCEALED WEAPON LICENSE POLICY

Pursuant to California Penal Code section 12050, in the City of Los Angeles, the Chief of Police of the Los Angeles Police Department ("LAPD" or "Department") may issue a license to a person to carry a pistol, revolver, or other firearm capable of being concealed upon the person upon proof that the person applying for the license is of good moral character, that good cause exists for the issuance of the license, that the person is a resident of the City of Los Angeles, and that the person has completed a required course of training.

Pursuant to California Penal Code section 12052.5, the Department shall give written notice to the applicant if the license is denied 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 Department of Justice, whichever is later.

**GOOD CAUSE:** The policy LAPD has adopted is that good cause exists if there is convincing evidence of a clear and present danger to life or of great bodily injury to the applicant, his (or her) spouse, or dependent child, which cannot be adequately dealt with by existing law enforcement resources, and which danger cannot be reasonably avoided by alternative measures, and which danger would be significantly mitigated by the applicant's carrying of a concealed firearm.

**TRAINING REQUIREMENT:** A new license applicant must furnish proof to the Department that he or she has successfully completed a course of training in the carrying and use of firearms established pursuant to Section 7585 of the California Business and Professions Code or some other course acceptable to the Department which includes the following subjects of training: knowledge of California laws regarding weapons and deadly force use; safe handling, carriage, use and storage of concealable firearms; and competency with the types of firearms to be listed on the license. Such course shall be no less than 16 hours. For license renewal applicants, the course of training may be any course acceptable to the Department, shall be no less than four hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.

**RESIDENCY REQUIREMENT:** Proof that the applicant is a resident of the City of Los Angeles will be fulfilled upon presentation of a copy of the following two items: a recognized California identification card and at least one recent utility or rent receipt showing the applicant's name and residence address.

**LICENSE CONDITIONS:** The Department may attach to the license such conditions as it deems appropriate in the reasonable exercise of its discretion. These conditions will be noted on the face of the license.

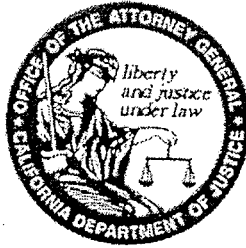
Pursuant to the Judgment of Declaratory Relief in *Anthony Assenza, et al. v. City of Los Angeles, et al.*, the following further rules and guidelines are provided for the interpretation and implementation of the Department's good cause policy:

**Good Cause.** Good cause shall be deemed to exist, and a license will issue in the absence of strong countervailing factors, upon a showing of any of the following circumstances: a) The applicant is able to establish that there is an immediate or continuing threat, express or implied, to the applicant's safety, or the applicant's family's safety, and that no other reasonable means exist which would suffice to neutralize that threat; b) The applicant is employed in the field of security, has all requisite licenses, is employed by a security firm having all requisite licenses, and provides satisfactory proof that his or her work is of such a nature that it requires the carrying of a concealed weapon; c) The applicant has obtained, or is a person included within the protections of a court order which establishes that the applicant is the on-going victim of a threat or physical violence or otherwise meets the criteria set forth in Penal Code Section 12025.5; d) The applicant establishes that circumstances exist requiring him or her to transport in public significant amounts of valuable property which it is impractical or impracticable to entrust to the protection of armored car services or equivalent services for safe transportation of valuables; e) The applicant establishes that he or she is subject to a particular and unusual danger of physical attack and that no reasonable means are available to abate that threat.

**Favorable Factors.** Among facts upon which the Department will, in the exercise of its discretion, look favorably in considering applications are whether: a) the applicant has a demonstrated record of responsible handling of firearms; b) the applicant has a commitment to safe and responsible handling of firearms as shown by having voluntarily taken firearms training; c) the applicant has a record of good citizenship in general as evidenced, for instance, by service to the community through such activities as creditable service in the armed forces, including the National Guard and state militia or in the police reserves, or of active participation in charitable or public service organizations or activities or in political affairs; d) the applicant is trustworthy and responsible as evidenced, for instance, by employment history, positions held in civic, political, religious or secular achievements or record of personal accomplishment in other areas of endeavor; e) that the applicant suffers under a disability or physical handicap, including age or obesity, which hinders the applicant's ability to retreat from an attacker.

**Unfavorable Factors.** Factors which will bear negatively on issuance (unless they appear to be in the remote past) are: a) the applicant has a long-term history of mental or emotional instability, alcoholism, drug use or addiction to controlled substances; b) the applicant has a history of fault in serious accidents with firearms, automobiles or other dangerous instrumentalities; c) the applicant has had a permit to own or carry a concealed weapon denied, suspended or revoked for good cause by any issuing authority; d) the applicant has had a driver's license denied, suspended or revoked for good cause by any issuing authority; e) the applicant has a long-term record of irresponsible and dangerous behavior with automobiles as indicated by numerous convictions of serious driving offenses; f) the applicant has a long-term history of conduct from which it appears that he or she is not now of good moral character, trustworthy or responsible. While none of the foregoing disqualify an applicant per se, a license will be denied if it appears, in the discretion of the Department, that the applicant does not now have good character or that issuance of a license to him/her is not consistent with public safety.

# California Department of Justice



## STANDARD APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON (CCW)

**California Department of Justice**  
**STANDARD APPLICATION**  
for  
**LICENSE TO CARRY A CONCEALED WEAPON (CCW)**

**Authority**

California Penal Code (PC) sections 12050 through 12054 provide that a sheriff of a county or the chief or other head of a municipal police department of any city or city and county may issue a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person (CCW license). PC section 12051(a)(3)(A) requires the Attorney General to prescribe a statewide standard application form for a CCW license.

**Who May Be Issued a License**

The licensing authority specified in PC section 12050(a)(1) (a sheriff or head of a municipal police department) may issue a 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 applications for a CCW will be fingerprinted and state records will be checked to determine if they are in a prohibiting class. Attachments 1, 2, and 3 (following page 14 of this application) list all categories that would cause a person to be in a class prohibiting them from possessing firearms and being granted a CCW license. These attachments are updated annually to reflect new legislation and other changes in the law.

**Format of CCW License**

A CCW license may be issued in either of the following formats:

1. A license to carry concealed, a pistol, revolver, or other firearm capable of being concealed upon the person.
2. Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in that county a pistol, revolver, or other firearm capable of being concealed upon the person

**Training Required**

PC section 12050(a)(1)(B) and (E) specifies that new license applicants must complete a course of training. The training may consist of any course acceptable to the licensing authority. The licensing authority may require either a course not to exceed 16 hours which includes instruction on at least firearms safety and the law regarding the permissible use of a firearm or a community college course not to exceed 24 hours certified by the Commission on Peace Officer Standards and Training. If the licensing authority requires the community college course, it must be uniformly required for all CCW license applicants. The licensing authority may also require annual qualification on the weapon(s) during the term for which the CCW license is granted.

For license renewal applicants, the course of training may be any course acceptable to the licensing authority, shall be no less than four hours in length, and shall include instruction on at least firearm safety and the law regarding permissible use of a firearm

State of California, Department of Justice  
**Standard Application for CCW License**

**Psychological Testing**

In addition to licensing requirements as specified by the licensing authority, jurisdictions may require psychological testing on the initial application. If required, the applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. Any fees charged will be the responsibility of the applicant and such fees shall not exceed \$150.00 for an initial test. 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 (PC section 12054(c)).

**Completing the Application**

Answering all the questions on this standard application does not guarantee the issuance of a CCW license. The determination whether or not to issue the license is the prerogative of the licensing authority. Each licensing authority, in addition to using the state standard application form, will have a written policy summarizing what they require pursuant to PC section 12050(1)(1)(A) and (B). Prior to issuing a CCW, the statutes require proof that:

- The applicant is of good moral character,
- Good cause exists to issue the CCW license,
- The applicant meets residence requirements, and
- The course of training prescribed by the licensing authority has been completed.

The application on the following pages sets forth standardized questions to be used by the CCW licensing authority to determine whether a CCW license shall be issued. The applicant shall not be required to complete any additional application or form for a CCW license, or to provide any information other than that necessary to complete this standard application form except to clarify or interpret information provided herein (PC section 12051(a)(3)(C)).

The applicant will certify that all answers provided are true and correct to the best of their knowledge and belief under penalty of perjury. The applicant will also acknowledge that information disclosed on this application may be subject to public disclosure.

**Important Instructions**

- **Fill out, read, and sign Sections 1 through 5, as directed. Use additional pages if more space is required.**
- **Sections 6, 7, and 8 must be completed in the presence of an official of the licensing agency.**
- **Review Section 7 and be prepared to answer these questions orally. Do not write anything in Section 7 unless specifically directed to do so by the licensing agency.**

Section 1 – Applicant Personal Information .....	3
Section 2 – Applicant Clearance Questions .....	3
Section 3 – Description of Weapon(s) .....	5
Section 4 – CCW License Conditions and Restrictions .....	6
Section 5 – Applicable California Penal Code Sections .....	7
Section 6 – Agreement to Restrictions and to Hold Harmless .....	10
Section 7 – Investigator’s Interview Notes .....	11
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Attachment 3 – Federal Prohibiting Categories for Possessing Firearms .....	19



State of California, Department of Justice  
Standard Application for CCW License

**Section 2 – Applicant Clearance Questions – (continued)**

3. Have you ever held and subsequently renounced your United States citizenship?  
No  Yes  (If yes, explain):

---

4. If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable? No  Yes  (If yes, explain):

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5. Are you now, or have you been a party to a lawsuit in the last five years?  
No  Yes  (If yes, explain):

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6. Are you now, or have you been, under a restraining order(s) from any court?  
No  Yes  (If yes, explain):

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7. Are you on probation or parole from any state for conviction of any offense including traffic? No  Yes  (If yes, explain):

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State of California, Department of Justice  
**Standard Application for CCW License**

**Section 2 – Applicant Clearance Questions – (continued)**

8. List all traffic violations (moving violations only) and motor vehicle accidents you have had in the last five years. (Use additional pages if necessary.)

Date	Violation / Accident	Agency / Citation #

9. Have you ever been convicted for any criminal offense (civilian or military) in the U.S. or any other country?

No  Yes  (If yes, explain including date, agency, charges, and disposition.)

\_\_\_\_\_

\_\_\_\_\_

10. Have you withheld any fact that might affect the decision to approve this license?

No  Yes  (If yes, explain):

\_\_\_\_\_

\_\_\_\_\_

**Section 3 – Descriptions of Weapons:**

List below the weapons you desire to carry if granted a CCW. You may carry concealed only the weapon(s) which you list and describe herein, and only for the purpose indicated. Any misuse will cause an automatic revocation and possible arrest. (Use additional pages if necessary.)

	Make	Model	Caliber	Serial No.
1.				
2.				
3.				

State of California, Department of Justice  
**Standard Application for CCW License**

**Section 4 – CCW License Conditions and Restrictions**

The licensee is responsible for all liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit, or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

The licensee authorizes the licensing agency to investigate, as they deem necessary, the licensee's record and character to ascertain any and all information which may concern his/her qualifications and justification to be issued a license to carry a concealed weapon and release said agency of any and all liability arising out of such investigation.

While exercising the privileges granted to the licensee under the terms of this 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 permit.
- Carry a concealed weapon at times or circumstances other than those specified in the permit.

Pursuant to U.S. Government Code – Title 49, Chapter 26, Section 1472(1) 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 the 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 licensing authority. Any arrest for a felony or serious misdemeanor, including driving under the influence of alcohol and/or drugs, is cause for invalidating the license.

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**Section 5 – Applicable California Penal Code Sections**

The following Penal Code sections are of special importance to the holder of a CCW license regarding the use, carrying, and storage of firearms:

**Penal Code Section 12051 – Applications for CCW Licenses; False Statements**

(b) Any person who files an application required by subdivision (a) knowing that statements contained therein are false is guilty of a misdemeanor.

(c) Any person who knowingly makes a false statement on the application regarding any of the following shall be guilty of a felony:

- (1) The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to Section 12050.
- (2) A criminal conviction.
- (3) A finding of not guilty by reason of insanity.
- (4) The use of a controlled substance.
- (5) A dishonorable discharge from military service.
- (6) A commitment to a mental institution.
- (7) A renunciation of United States citizenship.

**Penal Code Section 192 – Manslaughter**

Manslaughter is the unlawful killing of a human being without malice.

- (a) Voluntary – upon a sudden quarrel or heat of passion.
- (b) Involuntary – in the commission of an unlawful act, not amounting to a felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection; provided that this subdivision shall not apply to acts committed in the driving of a vehicle.

**Penal Code Section 197 – Justifiable Homicide; Any Person**

Homicide is justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,
3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,
4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

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**Section 5 – Applicable California Penal Code Sections – (continued)**

**Penal Code Section 198 – Justifiable Homicide; Sufficiency of Fear  
(Limitation of Self-defense of Property Rule)**

A bare fear of the commission of any of the offenses mentioned in subdivisions 2 and 3 of Section 197, to prevent which homicide may be lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

**Penal Code Section 199 – Justifiable and Excusable Homicide; Discharge of Defendant**

The homicide appearing to be justifiable or excusable, the person indicted must, upon his trial, be fully acquitted and discharged.

**Penal Code Section 12035 – Storage of Firearms Accessible to Children**

(a) As used in this section, the following definitions shall apply:

- (1) "Locking device" means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.
- (2) "Child" means a person under the age of 16 years.
- (3) "Off-premises" means premises other than the premises where the firearm was stored.
- (4) "Locked container" has the same meaning as set for the in subdivision (d) of Section 12026.2.

- (b) (1) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the first degree" if he or she keeps any loaded firearm within any premise which is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.
- (2) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the second degree" if he or she keeps any loaded firearm within any premise which is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes injury, other than great bodily injury, to himself, herself, or any other person, or carries the firearm either to a public place or in violation of Section 417.

(c) Subdivision (b) shall not apply whenever any of the following occurs:

- (1) The child obtains the firearm as a result of an illegal entry to any premises by any person.
- (2) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (3) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.
- (4) The firearm is locked with a locking device that has rendered the firearm inoperable.
- (5) The person is a peace officer or a member of the armed forces or national guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
- (6) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person, or persons.
- (7) The person who keeps a loaded firearm on any premise which is under his or her custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premise.

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**Section 5 – Applicable California Penal Code Sections – (continued)**

**Penal Code Section 12036 – Firearms Accessed by Children and Carried Off-premises**

- (a) As used in this section, the following definitions shall apply:
- (1) “Locking device” means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.
  - (2) “Child” means a person under the age of 16 years.
  - (3) “Off-premises” means premises other than the premises where the firearm was stored.
  - (4) “Locked container” has the same meaning as set forth in subdivision (d) of Section 12026.2.
- (b) A person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premise that is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to that firearm without the permission of the child’s parent or legal guardian and the child obtains access to that firearm and thereafter carries that firearm off-premises, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.
- (c) A pistol, revolver, or other firearm capable of being concealed upon the person that a child gains access to and carries off-premises in violation of this Section shall be deemed “used in the commission of any misdemeanor as provided in this code or any felony” for the purpose of subdivision (b) of Section 12028 regarding the authority to confiscate firearms and other deadly weapons as a nuisance.
- (d) This Section shall not apply if one of the following circumstances exists:
- (1) The child obtains the pistol, revolver, or other firearm capable of being concealed upon the person as a result of an illegal entry into any premises by any person.
  - (2) The pistol, revolver, or other firearm capable of being concealed upon the person is kept in a locked container or in a location that a reasonable person would believe to be secure.
  - (3) The pistol, revolver, or other firearm capable of being concealed upon the person is locked with a locking device that has rendered the firearm inoperable.
  - (4) The pistol, revolver, or other firearm capable of being concealed upon the person is carried on the person within such a close range that the individual can readily retrieve and use the firearm as if carried on the person.
  - (5) The person is a peace officer or a member of the armed forces or national guard and the child obtains the pistol, revolver, or other firearm capable of being concealed upon the person during, or incidental to, the performance of the person’s duties.
  - (6) The child obtains, or obtains and discharges, the pistol, revolver, or other firearm capable of being concealed upon the person in a lawful act of self-defense or defense of another person or persons.
  - (7) The person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

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**Section 6 – Agreement to Restrictions and to Hold Harmless**

I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

I understand that the acceptance of my application by the licensing authority does not guarantee the issuance of a license and that fees and costs are not refundable if denied. I further understand that if my application is approved and I am issued a license to carry a concealed weapon, that the license is subject to restrictions placed upon it and that misuse of the license will cause an automatic revocation and possible arrest and that the license may also be suspended or revoked at the discretion of the licensing authority at any time. I am aware that any use of a firearm may bring criminal action or civil liability against me.

I have read, understand, and agree to the CCW license liability clauses, conditions, and restrictions stated in this Application and Agreement to Restrictions and to Hold Harmless.

I have read and understand the applicable Penal Code sections regarding False Statements on a CCW Application, Manslaughter, Killing in Defense of Self or Property, Limitation on Self-defense and Defense of Property, and Child Access and Firearm Storage, stated in this application.

I have read and understand Attachment 1 – California Prohibiting Categories for a CCW License, Attachment 2 – California Prohibiting Misdemeanors, and Attachment 3 – Federal Prohibiting Categories for Possessing Firearms. I further acknowledge that these Prohibiting Categories can be amended or expanded by state or federal legislative or regulatory bodies and that any such amendment or expansion may affect my eligibility to hold a CCW.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature / Badge Number

\_\_\_\_\_  
Date



State of California, Department of Justice  
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**Section 7 – Investigator’s Interview Notes – (continued)**

2. Have you ever been in a mental institution, treated for mental illness, or been found not-guilty by reason of insanity? No \_\_\_\_ Yes \_\_\_\_ (If yes, explain):

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3. Are you now, or have you ever been, addicted to a controlled substance or alcohol, or have you ever utilized an illegal controlled substance, or have you ever reported to a detoxification or drug treatment program? No \_\_\_\_ Yes \_\_\_\_ (If yes, explain):

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4. Have you ever been involved in an incident involving firearms?  
No \_\_\_\_ Yes \_\_\_\_ (If yes, explain):

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5. Have you been involved in a domestic violence incident?  
No \_\_\_\_ Yes \_\_\_\_ (If yes, explain):

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6. List any arrests or formal charges, with or without disposition, for any criminal offenses with the U.S. or any other country (civilian or military).

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**Section 8 – Certification and Release of Information**

I hereby give permission to the agency to which this application is made to conduct a background investigation of me and to contact any person or agency who may add to or aid in this investigation. I further authorize persons, firms, agencies and institutions listed on this application to release or confirm information about me and statements I have made as contained in this application.

Notwithstanding any other provision of law and pursuant to the Public Records Act (Government Code section 6250 et seq.), I understand that information contained in this application may be a matter of public record and shall be made available upon request or court order.

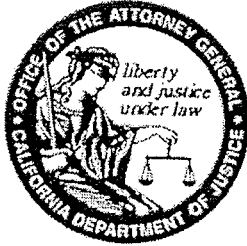
I hereby certify under penalties of perjury and Penal Code section 12051(b) and (c), that the answers I have given are true and correct to the best of my knowledge and belief, and that I understand and agree to the provisions, conditions, and restrictions herein or otherwise imposed.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature / Badge Number

\_\_\_\_\_  
Date



## Attachments

State of California, Department of Justice  
**Standard Application for CCW License**

*Attachment 1*

**CALIFORNIA PROHIBITING CATEGORIES FOR A CCW LICENSE  
As of January, 1999**

- Persons convicted of a felony, or any offense enumerated in section 12021.1 of the Penal Code (PC).
- Persons addicted to the use of narcotics.
- Persons denied firearm possession as a condition of probation pursuant to PC section 12021(d).
- Persons convicted of a specified misdemeanor pursuant to PC section 12021(c)(1) are prohibited from purchasing or possessing firearms for 10 years (see Attachment 2).
- Juveniles adjudged wards of the juvenile court because they committed a 707(b) Welfare and Institutions Code (WIC) offense, an offense described in PC section 1203.073(b) or any offense enumerated in PC section 12021 (c)(!) are prohibited until they reach age 30.
- Persons who are subject to a protective order as defined in section 6218 of the Family Code, or a temporary restraining order or injunction issued pursuant to sections 527.6 or 527.8 of the Code of Civil Procedure.
- 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
- Persons who communicate a threat to a licensed psychotherapist, against a reasonably identifiable victim, and the psychotherapist reports to law enforcement pursuant to WIC section 8100(b), are prohibited from purchasing or possessing a firearm for 6 months.
- Persons in a mental health facility certified pursuant to WIC sections 5250, 5260, and 5270.15 are prohibited from possessing or purchasing or attempting to purchase firearms for 5 years.
- Persons who are voluntary patients in a mental facility who are determined to be a danger to self or others are prohibited from purchasing or possessing a firearm between admission and discharge.
- Persons under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year.

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*Attachment 2*

**CALIFORNIA PROHIBITING MISDEMEANORS  
As of January, 1999**

Pursuant to Penal Code (PC) section 12021(c)(1), any person who has been convicted of a misdemeanor violation for any of the following offenses is prohibited from owning, possessing, or having under his or her custody or control any firearms within 10 years of the conviction:

- Threatening public officers, employees and school officials (PC section 71).
- Threatening certain public officials, appointees, judges, staff or their families with the intent and apparent ability to carry out the threat (PC section 76).
- Possessing a deadly weapon with the intent to intimidate a witness (PC section 136.5).
- Threatening witnesses, victims, or informants (PC section 140).
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer (PC section 148(d)).
  
- Unauthorized possession of a weapon in a courtroom, courthouse or court building, or at a public meeting (PC section 171(b)).
- Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc. (PC section 171c).
- Taking into or possessing loaded firearms within the Governor's Mansion or residence of other constitutional officers, etc. (PC section 171(d)).
- Supplying, selling or giving possession of a firearm to a person for participation in criminal street gangs (PC section 186.28).
- Assault (PC sections 240, 241)
  
- Battery (PC sections 242, 243).
- Assault with a stun gun or Taber weapon (PC section 244.5)
- Assault with deadly weapon or force likely to produce great bodily injury (PC section 245).
- Assault with a deadly weapon or instrument, by any means likely to produce great bodily injury or with a stun gun or Taber on a school employee engaged in performance of duties (PC section 245.5).
- Shooting at an inhabited or occupied dwelling house, building, vehicle, aircraft, horsecart or camper (PC section 246).
  
- Discharging a firearm in a grossly negligent manner (PC section 246.3)
- Shooting at an unoccupied aircraft, motor vehicle, or uninhabited building or dwelling house (PC section 247)
- Inflicting corporal injury on a spouse or significant other (PC section 273.5)
- Willfully violating a domestic protective order (PC section 273.6).

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*Attachment 2 (Continued)*

**CALIFORNIA PROHIBITING MISDEMEANORS  
As of January, 1999**

- Drawing, exhibiting, or using any deadly weapon other than a firearm (PC sections 417(a)(1), 417(a)(2)).
- Brandishing a firearm in presence of a peace officer (PC section 417.1 – repealed by stats. 1998).
- Drawing or exhibiting, selling, manufacturing, or distributing firearm replicas or imitations (PC section 417.2).
- Inflicting serious bodily injury as a result of brandishing (PC section 417.6).
- Bringing into or possessing firearms upon or within public schools and grounds (PC section 626.9).
- Stalking (PC section 646.9).
  
- Armed criminal action (PC section 12023).
- Possessing a deadly weapon with intent to commit an assault (PC section 12024).
- Driver or any vehicle who knowingly permits another person to discharge a firearm from the vehicle or any person who will fully and maliciously discharges a firearm from a motor vehicle (PC sections 12034(b), 12034(d)).
- Criminal possession of a firearm (PC section 12040).
- Firearms dealer who sells or transfers or gives possession of any firearm to a minor or a handgun to a person under the age of 21 (PC section 12072(b)).
  
- Various violations involving sales and transfers of firearms (PC section 12072(g)(3)).
- Person or corporation who sells any concealable firearm to any minor (PC section 12100(a) – repealed by stats. 1994).
- Unauthorized possession/transportation of a machine gun (PC section 12220).
- Possession of ammunition designed to penetrate metal or armor (PC section 12320).
- Carrying a concealed or loaded firearm or other deadly weapon or wearing a peace officer uniform, while picketing (PC section 12590).
  
- Bringing firearm related contraband into juvenile hall (WIC section 871.5).
- Bringing firearm related contraband into a youth authority institution (WIC section 1001.5).
- Purchase, possession, or receipt of a firearm or deadly weapon by a person receiving in-patient 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 (WIC section 8100).
- Providing a firearm or deadly weapon to a person described in WIC sections 8100 or 8103 (WIC section 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 a conservatorship (WIC section 8103).

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*Attachment 3*

**FEDERAL PROHIBITING CATEGORIES FOR POSSESSING FIREARMS  
Gun Control Act of 1968, Title 18 U.S.C. Chapter 44  
As of January, 1999**

Pursuant to Section 922, any person listed below is prohibited from possessing, shipping, transporting, or receiving any firearm, who:

- Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.
- Is a fugitive from justice.
- Is an unlawful user of or addicted to any controlled substance.
- Has been adjudicated as a mental defective or committed to a mental institution.
- Is an alien illegally or unlawfully in the United States.
- Has been discharged from the Armed Forces under dishonorable conditions.
- Having been a citizen of the United States, has renounced U.S. citizenship.
- Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner.
- Has been convicted in any court of a misdemeanor crime of domestic violence.
- Is under indictment for a crime punishable by imprisonment for a term exceeding one year.
- Has an out-of-state prohibitive criminal history.
- Has a prior denial on a previous National Instant Criminal Background Check System (NICS) inquiry.

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 200 N. Main Street, City Hall East Room 800, Los Angeles, CA 90012.

On September 23, 2011, I served the foregoing document described as:

**DEFENDANTS' NOTICE OF COMPLIANCE WITH COURT ORDER; DECLARATIONS OF LOS ANGELES POLICE DEPARTMENT AREA COMMANDING OFFICERS; DECLARATION OF DEBRA L. GONZALES; EXHIBITS**

on the interested party(ies) in this action by placing the true copy(ies) thereof enclosed in sealed envelope(s) addressed as follows:

Burton C. Jacobson  
Franklin S. Adler  
Attorney at Law  
Beverly Hills Law Building  
424 South Beverly Drive  
Beverly Hills, CA 90212-4414  
Tel (310) 553-8533

C.D. Michel  
Joshua R. Dale  
Tamara M. Rider  
Michel & Associates, P.C.  
180 East Ocean Blvd., Suite 200  
Long Beach, CA 90802  
Tel (562) 216-4444

**BY MAIL** – I caused each envelope with postage fully prepaid, to be placed in the United States Mail at Los Angeles, California. I thereafter caused such envelope to be deposited in the mail at Los Angeles, California, with first class postage thereon fully prepaid. I am readily familiar with the business practice for collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in affidavit.

**BY FACSIMILE TRANSMISSION** – I caused such documents to be transmitted to the offices of the addressee via facsimile machine, prior to 5:00 p.m. on the date specified above. The facsimile machine I used was in compliance with Rule (2003(3), and the transmission was reported as complete without error. Pursuant to Rule 2008(e), I caused a copy of the transmission report to be properly issued by transmitting facsimile.

Executed September 23, 2011, at Los Angeles, California.

**(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction whose service was made.

  
IRENE E. PEREZ