

1 THE LAW OFFICES OF GARY W. GORSKI
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2 1207 Front St., Suite 22
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3 Tel. (916) 965-6800
usrugby@gmail.com
4 Attorney for Plaintiff

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7
8 THE UNITED STATES DISTRICT COURT

9 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

11 Plaintiff,)

12 vs.)

13 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
14 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
15 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
16 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his)
17 official capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
18 individual and official capacities; CITY AND)
COUNTY OF SAN FRANCISCO; and STATE)
19 OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

DECLARATION OF THERESE MARIE
PIZZO IN SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT
AND/OR ADJUDICATION OF ISSUES

Hearing Date: July 26, 2012
Time: 2:00 p.m.
Place:
Oakland Courthouse, Courtroom 2 - 4th Floor
1301 Clay Street, Oakland, CA 94612
Judge: Hon. Claudia Wilken

20 Defendants.)
21 _____)

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23 DECLARATION OF THERESE MARIE PIZZO IN SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT AND/OR ADJUDICATION OF ISSUES

24 Plaintiff Therese Marie Pizzo ("Plaintiff") declares as follows:

- 25 1. I am over 18 years of age, am a resident of the State of California residing in the City and
26 County of San Francisco. I make this declaration in support of Plaintiff's motion for summary
27 judgment and/or adjudication of issues. I make this declaration from my own personal
28 knowledge. If called to testify as a witness in this action, I could and would testify

- 1 competently to the facts so stated.
- 2 2. I am a competent adult, natural person, and citizen of the United States of America.
- 3 3. I am a lesbian and resides with my same-sex registered domestic partner and two minor (2
4 and 6 years of age) children in the City and County of San Francisco.
- 5 4. I work a full-time job for a title company in the City and County of San Francisco.
- 6 5. I am my household's sole means of support, and we live a very modest and humble life.
- 7 6. I have lived what I believe to be an honorable life. I have never been convicted of a felony
8 or misdemeanor. I am not, nor have I ever been declare mentally unfit for the purposes of
9 owning a firearm. I am legally competent and qualified to possess and own firearms.
- 10 7. I have never worked for any law enforcement agency and have never been affiliated with law
11 enforcement or any government agency.
- 12 8. I am not a member of, nor do I have any affiliation with, the National Rifle Association or
13 any other advocacy group pertaining to firearms and gun control.
- 14 9. I am not a member of any gay rights organization.
- 15 10. I filed this action because as a Citizen I believe it is necessary to stand up for your rights.
- 16 11. I own handguns. I own these handguns for my personal self-defense.
- 17 12. I have often been threatened or harassed due to my sexual orientation and living situation.
- 18 13. During the 1980s, I was pushed down a flight of stairs by a man. The man called me a
19 "dyke" when he pushed me down the stairs. Based upon his statement and violent action, I
20 believe that he was violent against me because of my sexual orientation.
- 21 14. On June 12, 1999, in the City of San Francisco, on Castro and Market Streets, I was kissing
22 my partner good-bye. My partner and I are both female. While I was kissing my partner, a
23 man on the bus starting screaming obscenities. He called me a "fucking dyke" and a
24 "fucking bitch." He also yelled that I should "die." As if not humiliating enough, this same
25 man threw gum and other objects of garbage at me. The gum stuck in my hair. I feared for
26 our safety. This was not the first, nor the last incident where either my partner or I were
27 placed in fear for our safety because of our sexual orientation.
- 28 15. Later my partner and I were driving in Arizona. As happens, when driving, we had to stop to

1 get some gas for the car. Unfortunately for us, we stopped in a rural section of Arizona. We
2 were both waiting to use the public restroom when two men approached us. One of the men
3 push his body up against me. While he was trying to press his body against mine, the man
4 said things such as, “what was wrong with us”, “why aren’t you with men”, and “who was
5 the man in the relationship.” Once again, I was placed in fear for my and my partner’s safety
6 because of our sexual orientation. Since I was in compliance with the law, I was completely
7 unarmed and defenseless.

8 16. On another date, my partner and I were in Los Alamos, California, at bar. As happens, we
9 needed to use the restroom. My partner and I entered the restroom together. While we were
10 in the restroom and about to exit, a man and a woman started pounding on the door. This
11 couple started calling us names, like “dykes” and “lesbos.” Not being satisfied with name
12 calling, the couple started yelling that they were going to “kick” our “asses”, and “beat the
13 shit” out of us. Their rampage continued with “get out of the bathroom, you fucking dykes”.
14 During the yelling and screaming, the man and woman were kicking and banging on the
15 restroom door. The strength and volume of the kicking and banging on the door was such
16 that we were sure the door would break. My partner and I remained in the bathroom with the
17 door locked. We were certain we would be hurt or killed if we opened the door or it failed
18 under the onslaught. I was afraid for my and my partner’s life, but I was completely unarmed
19 and defenseless. After sometime had passed, it seemed like forever, we cautiously opened
20 the door, looked around to see if they were still there. Seeing what appeared to be a safe exit,
21 we ran from the bar and drove off. Even though there were people in the bar, no one helped
22 us. We were on our own.

23 17. On another occasion, I was working on Castro and 19th in San Francisco. I was leaving a
24 store and about to cross the street. I then noticed and heard a man in a big white truck. The
25 man was yelling obscenities at me. He called me “fucking dyke.” While I was in the
26 crosswalk, the man started to rev his engine and lurch his truck towards me. I thought he
27 was going to hit me. I was terrified and had to run across the street. Again I was being
28 attacked, afraid for my life and I was completely unarmed and defenseless.

- 1 18. In San Francisco, I can usually be more open and act freely. However, when I leave San
2 Francisco, and especially when I leave California, I have to change the way I act and dress,
3 otherwise I am targeted.
- 4 19. I will no longer go camping. I will no longer visit Texas unless I am issued a CCW permit.
- 5 20. I have been called names regarding my sexual orientation my entire life.
- 6 21. The current state and local laws prohibit me from effectively defending myself.
- 7 22. I want the option to exercise my right to self-defense as guaranteed by the Second
8 Amendment. I have been denied the right to protect myself and my family due to the
9 restrictive laws enforced against me.
- 10 23. In addition to being prohibited from carrying a concealed handgun on my person or in my
11 vehicle, access to my handgun in my home is extremely difficult due to the City ordinances.
- 12 24. I consider a “readily accessible operable handgun” as one that is a loaded weapon within a
13 few feet of where I’m at, or on my person.”
- 14 25. I believe a “readily accessible operable handgun” is one that is “unlocked” and “outside of a
15 safe.”
- 16 26. I find that State and local laws are restrictive, and constantly becoming more restrictive and
17 vague, to the point that it is “unclear” as to exactly when and how I can use a firearm, or
18 even transport my firearm. When I filed this action, I was prohibited from discharging a
19 firearm for self-defense in San Francisco. I fear prosecution under the restrictive and vague
20 firearm and ammo ordinances. I currently store my firearms without ammunition and locked
21 in a safe. I keep no ammunition in my house. I fear that keeping of ammunition would
22 subject me to prosecution for the possession of “enhanced lethality ammunition.” I do not
23 understand that term, because in my mind all ammunition is “lethal”.
- 24 27. My fear of prosecution is such that it appears I am precluded from maintaining a handgun in
25 my home or in my vehicle in a way which would make them immediately accessible. I do not
26 even transport a gun to a gun range to target practice because I fear prosecution.
- 27 28. If I were allowed to make the decision on safe storage of firearm in my home, my method of
28 storing an immediately accessible loaded handgun with hollow-point ammunition designed

- 1 to expand and fragment would be based upon the facts and situation at the time. I would
2 balance the interest of self defense with safety. The current law deprives me of best the
3 practices for the access and storage of an operable and accessible handgun ready for
4 immediate use by being loaded. I could easily store a loaded handgun, un-chambered
5 (magazine in gun with no round in chamber) on top of my safe where the kids could not
6 reach it. I could lock my bedroom door at night and keep my handgun on my night-stand or
7 on-top of the safe loaded with a round chambered. I would balance access with safety,
8 depending upon the situation. Considerations that I would take into account to determine the
9 specifics of safety would be issues such as; Where are the kids? Are the kids even home? Are
10 there riots? Is a Richard Ramirez (the Night Stalker) stalker menacing my neighborhood?
11 Each of these legitimate considerations are taken from me under the current laws.
- 12 29. I want to use semi-jacketed hollow point ammunition that expands and fragments upon
13 impact, which is clearly banned though better for home defense. The ammunition that is not
14 currently banned, full metal jacket, increases the risk of innocent people getting shot if
15 someone discharges a firearm due to “ricochet” and “pass-through” of walls and the
16 assailant.
- 17 30. In my opinion, the current laws create an increased danger to innocent third parties.
18 Simultaneously these same laws deprive me of critical time regarding the making of the
19 required rational decisions as to whether deadly force is called for.
- 20 31. My partner and I have traveled, and on more than one occasion, we were assaulted and our
21 lives threatened without provocation. These threats primarily came from men. Always the
22 threats and assaults were due to our sexual orientation and domestic partnership.
- 23 32. These incidents typically occur in more rural areas of California and in rural areas out-of-
24 state were you typically see no law enforcement, and are almost always men.
- 25 33. When these incidents occur in rural areas, I have to defend myself and my family as we have
26 often been miles away from the nearest law enforcement.
- 27 34. I do not have a private security guard, nor can I afford to hire one for my family. More
28 importantly, I am unaware of any duty active or retired law enforcement officers have to

- 1 protect me and my family.
- 2 35. I have no way to adequately defend or protect myself from the numerous threats and assaults
- 3 due to Defendants' enforcement of the laws challenged herein.
- 4 36. I intend to possess a readily accessible operable handgun ready for immediate use, loaded
- 5 with proper ammunition, within my home for self-defense, on my person, and in my vehicle.
- 6 37. I am prevented from protecting myself and in fact, am forced to comply with laws that place
- 7 my family at unnecessary risk.
- 8 38. Under Defendants' current statutory scheme, the only way I may lawfully possess a loaded
- 9 and fully functional handgun ready for immediate use in my home, on myself, or in my
- 10 vehicle, is to be issued a valid CCW permit.
- 11 39. I fear being arrested, criminally prosecuted, being fined, and/ or imprisoned if I were to
- 12 possess a functional handgun in my home, on my person, or in my vehicle.
- 13 40. Because of the complexity of the various state and local laws, I was forced to retain the
- 14 services of legal counsel to assist in the obtaining of a permit so that I would not be arrested
- 15 and prosecuted by law enforcement.
- 16 41. It is my belief that due to the various nuances regarding the interplay between state and local
- 17 firearm laws, a reasonable person cannot easily determine what is and what is not permitted
- 18 when it comes to firearm ownership, usage, transportation and storage.
- 19 42. Because of the severe restrictions the City and County of San Francisco placed on me and
- 20 other residents, I thought the proper course of action would be to obtain a permit to carry a
- 21 loaded handgun either concealed or in my car for when I travel.
- 22 43. I first searched online, there was nothing on either San Francisco Police Department or San
- 23 Francisco Sheriff's Department websites on how to obtain a permit to carry a concealed
- 24 weapon. So, I contacted my friend in Sacramento, attorney Gary W. Gorski. I know Mr.
- 25 Gorski to be a a civil rights attorney with knowledge of the gun laws.
- 26 44. On or about May 26, 2009, I, through my attorney, contacted the San Francisco Police
- 27 Department and San Francisco Sheriffs Office by way of letter, e-mail and fax, regarding
- 28 Defendant City and County's CCW application process. **Exhibits "1" and "2"** attached

- 1 hereto and incorporated are copies of the letter and email respectively, also faxed, to the San
2 Francisco Police Department and Sheriff's Department by my attorney.
- 3 45. On or about May 28, 2009, my attorney, Mr. Gorski received a response from Defendant San
4 Francisco Police Department. **Exhibit "3"** attached hereto and incorporated herein is a copy
5 of the May 28, 2009 response from Defendant San Francisco Police Department.
- 6 46. In said response, Defendant San Francisco Police Department provided me with an
7 application for a CCW permit.
- 8 47. In said response to the request for the written CCW policy of the San Francisco Police
9 Department, my attorney was also informed that there was no written policy regarding the
10 issuance of CCWs.
- 11 48. The response informed me, through my attorney, that I would be contacted by an
12 "investigator" only if it became necessary to complete Section 7 of the application.
- 13 49. Section 7 of the application is titled "Investigator's Interview Notes."
- 14 50. San Francisco Police Department's response was I "may" be contacted, and no statement as
15 to when this would happen, if it did. I have never been contacted by anyone from the police
16 department regarding an interview. Had they contacted me, I would have disclosed all the
17 reasons as stated herein.
- 18 51. On or about May 29, 2009, through my attorney, Mr. Gorski, I received a response from the
19 San Francisco Sheriff stating that "no meeting with an 'investigator' will be scheduled".
20 **Exhibit "4"** attached hereto and incorporated herein is a copy of the Sheriff's May 29, 2009,
21 response from his attorney, Mr. James F. Harrigan.
- 22 52. In said response, I, through my attorney, was informed that I applying would be a "**useless**
23 **exercise**" and that my application would be denied.
- 24 53. Also in this response, I was informed that the policy was to deny all applications other than
25 for retired law enforcement as it was the "practice" of the Sheriff for twenty-nine (29) years.
- 26 54. In said response to the request for the written CCW policy of the San Francisco Sheriff, again
27 I was informed that there was no written policy regarding the issuance of CCWs.
- 28 55. For anyone, other than retired law enforcement personnel, applying for a CCW permit in the

- 1 City and/or County of San Francisco, California, is a “futile exercise.”
- 2 56. On or about June 4, 2009, I filled out and signed the State of California, Department of
3 Justice, Standard Application for CCW License with my attorney who mailed signed copies
4 to the San Francisco Police Department and San Francisco Sheriffs Office. **Exhibit “5”**
5 attached hereto and incorporated herein is a copy of my application.
- 6 57. Per the instructions on page two (2) of the application, I filled out, read, and signed Sections
7 1 through 5 of the application.
- 8 58. I submitted my application for a CCW to Defendants for processing and approval.
- 9 59. I did not complete or sign Sections 6, 7, and 8, because, per the application instructions, they
10 “must be completed in the presence of an official of the licensing agency.” To date,
11 Defendants refused to provide an official in whose presence I could complete the remaining
12 sections.
- 13 60. On June 29, 2009, Mr. Gorski faxed a copy of my application to both the San Francisco
14 Police Department and San Francisco Sheriffs Office. *See* Exhibit “6” attached hereto and
15 incorporated herein true and correct copies of fax confirmations.
- 16 61. To date, I have not received a response from Defendants San Francisco Sheriff’s Department
17 or Police Department regarding my CCW applications.
- 18 62. California Penal Code section 12050.2 (now 26160) requires that a county sheriff and chief
19 of a police to make available a written policy regarding the process to obtain a license to
20 carry a concealed firearm. Defendants never had a written policy when I applied.
- 21 63. The system is “unfair.”
- 22 64. As an American, I have the right to protect my family, my home and myself. The
23 Constitution presumes all Americans are reasonable, unless the Government can prove a
24 person is not reasonable – the burden should be on the Government to prove that there is
25 good cause for me not to exercise my right of self defense, not the other way around. Good
26 cause and good moral character, in my opinion, are vague terms that are used by
27 unreasonable people. Unreasonable people should not be allowed to carry a gun. Gun laws
28 are designed for “unreasonable” people; I am a “reasonable” person.

1 65. History and personal observation has taught me a simple truth; the Government's
2 involvement gun control has not stopped crime.

3 66. In San Francisco, if I just wanted to carry pepper spray, I would first have to obtain a permit,
4 pay fees, and attend a class.

5 67. In my opinion, there is no transparency; CCWs are issued to a secret police force (retired law
6 enforcement and those who worked for government), one that is not subject to any oversight.
7 As a citizen of this great country, this scares me.

8 I declare under penalty of perjury that the foregoing is true and correct and that this
9 declaration was executed under the laws of the United States of America on this 13th day of June,
10 2012.

11 
12 Therese Marie Pizzo

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Exhibit “1”

Law Offices of

GARY W. GORSKI

8549 Nephi Way
Fair Oaks, CA 95628
(916) 965-6800
Facsimile (916) 965-6801

usrughv@pacbell.net

* Admitted in California and Pennsylvania

May 26, 2009

VIA REGULAR MAIL, EMAIL AND FAX

Chief of Police
Heather J. Fong
850 Bryant St., #525
San Francisco, CA 94103
Fax (415) 553-1554
sfpdpbaf@pacbell.net
SFPDCentralStation@ci.sf.ca.us
sfpd.online@sfgov.org

Sheriff Michael Hennessey
City Hall, Room 456
1 Carlton Goodlett Place
San Francisco, CA 94102
Fax: (415) 554-7050
sheriff@sfgov.org

**RE: Public Records Request and Demand for Interview of
CCW Applicant to comply with Section 7 of the
application with witness signature.**

Dear Sheriff Hennessey and Chief Fong:

I have been retained by a gay female who has been attempting to apply for a CCW, which, under California Penal Code Section 12050(a)(1)(B), allows a sheriff and/or chief of police of a municipal police department the discretion to issue a "license to carry a pistol, revolver, or other firearm capable of being concealed upon the person ..." To date, her attempts have been futile as there is no published policy on either website about the CCW application process and your employees have been obstructive to say the least.

When my client attempted to apply by contacting your departments, she was given the run-around in that 1) employees had no knowledge of any CCW policy, 2) had no knowledge about how to apply, and 3) they stated that your department does not process CCW applications.

Letter to Sheriff Hennessey and Chief Fong

**RE: Public Records Request and Demand for Interview of CCW Applicant to
comply with Section 7 of the application with witness signature.**

May 26, 2009

Page 2 of 2

This letter constitutes a formal request for the following, pursuant to the Public Records Act:

- 1) Please provide a DOJ CCW application.
- 2) Please provide a list of all current and past CCW permit holders since your tenure in office, inclusive of all good cause data relied upon for issuance.
- 3) Please provide a copy of your written CCW issuance policy.
- 4) If your department defers to the other for the processing of CCWs, please provide that policy or letter of understanding.

In addition to this request, **please provide a date and time that my client can meet with an "investigator"** of your department to complete section 7 of the application, and have the application "witnessed" by the investigator and "signed."

You may email and fax the information to my office to expedite the process. My email is usrugby@pacbell.net and fax is 916-965-6801.

Thank you for your consideration in this regard and I look forward to an amicable resolution to this problem so that we can tend to other business.

Very truly yours,
LAW OFFICES OF GARY W. GORSKI

/s/ Gary W. Gorski
Gary W. Gorski
Attorney at Law

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Exhibit “2”

Gary W. Gorski

From: Gary W. Gorski [usrugby@pacbell.net]
Sent: Tuesday, May 26, 2009 3:57 PM
To: sfpdpbaf@pacbell.net; SFPDCentralStation@ci.sf.ca.us; sfpd.online@sfgov.org; sheriff@sfgov.org
Cc: usrugby@pacbell.net
Subject: Public Records Request and Demand for Interview of CCW Applicant to comply with Section 7 of the application with witness signature.
Attachments: DemandLetter.pdf

Chief of Police
Heather J. Fong
850 Bryant St., #525
San Francisco, CA 94103
Fax (415)553-1554
sfpdpbaf@pacbell.net
SFPDCentralStation@ci.sf.ca.us
sfpd.online@sfgov.org

Sheriff Michael Hennessey
City Hall, Room 456
1 Carlton Goodlett Place
San Francisco, CA 94102
Fax: (415) 554-7050
sheriff@sfgov.org

RE: *Public Records Request and Demand for Interview of CCW Applicant to comply with Section 7 of the application with witness signature.*

Dear Sheriff Hennessey and Chief Fong:

I have been retained by a gay female who has been attempting to apply for a CCW, which, under California Penal Code Section 12050(a)(1)(B), allows a sheriff and/or chief of police of a municipal police department the discretion to issue a "license to carry a pistol, revolver, or other firearm capable of being concealed upon the person ..." To date, her attempts have been futile as there is no published policy on either website about the CCW application process and your employees have been obstructive to say the least.

When my client attempted to apply by contacting your departments, she was given the run-around in that 1) employees had no knowledge of any CCW policy, 2) had no knowledge about how to

5/26/2009

apply, and 3) they stated that your department does not process CCW applications.

This letter constitutes a formal request for the following, pursuant to the Public Records Act:

- 1) Please provide a DOJ CCW application.
- 2) Please provide a list of all current and past CCW permit holders since your tenure in office, inclusive of all good cause data relied upon for issuance.
- 3) Please provide a copy of your written CCW issuance policy.
- 4) If your department defers to the other for the processing of CCWs, please provide that policy or letter of understanding.

In addition to this request, **please provide a date and time that my client can meet with an "investigator"** of your department to complete section 7 of the application, and have the application "witnessed" by the investigator and "signed."

You may email and fax the information to my office to expedite the process. My email is usrugby@pacbell.net and fax is 916-965-6801.

Thank you for your consideration in this regard and I look forward to an amicable resolution to this problem so that we can tend to other business.

Very truly yours,
LAW OFFICES OF GARY W. GORSKI
/s/ Gary W. Gorski
Gary W. Gorski
Attorney at Law

Gary W. Gorski
Attorney at Law
Mailing Address:
8549 Nephi Way
Fair Oaks, CA 95628
Business Address:
1207 Front Street, Suite 15
Sacramento, CA 95814
(Old Town Sacramento)
(916) 965-6800
(916) 965-6801 fax
www.constitution.org

5/26/2009

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Exhibit “3”



GAVIN NEWSOM
MAYOR

**POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO**

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



HEATHER J. FONG
CHIEF OF POLICE

May 28, 2009

Gary W. Gorski
Attorney at Law
8549 Nephi Way
Fair Oaks, CA 95628

Re: Public Records Request

Dear Mr. Gorski:

The San Francisco Police Department (SFPD) is in receipt of your May 26, 2009 public records request.

In response to item number 1 of your request, please be advised that the California Department of Justice is the custodian of the Application for License to Carry a Concealed Weapon. As a courtesy, I am enclosing a copy of the Application.

In response to item number 2, please be advised that the SFPD does not maintain a list of all current and past CCW permit holders. I can tell you that we have one active concealed weapons permit at this time. That permit was issued to Mr. Robert Menist on 7/1/07 and expires on 6/30/10.

In response to item number 3 and 4, we do not have responsive documents.

With regards to your request for a date and time that your client can meet with an "investigator", please be advised that only if it becomes necessary to complete section 7 of the application, an investigator will contact your client. We do not schedule appointments for this process of the application. (Please see bullet number 3 under the Important Instructions on page -2-.)

Direct any further questions regarding this matter to me at (415) 553-1511.

Sincerely,

LIEUTENANT DANIEL J. MAHONEY
Commanding Officer
Legal Division

CC: Chief Heather Fong

TO: CONCEALED WEAPON LICENSE APPLICANTS

California Penal Code Section 12050(a)(1)(B) permits a Chief of Police of a city to issue a concealed weapon license upon proof that the person applying is of good moral character, that good cause exists for issuance, that the person applying is a resident of that city, and has completed a course of training as required by Penal Code Section 12050(a)(1)(E).

California Penal Code Section 12052.5 now requires that the licensing authority give written notice to an applicant indicating if the license is approved or denied within 90 days of the initial application for a new license or a renewal or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later.

NEW APPLICANTS

The San Francisco Police Department requires completion of the Penal Code Section 832 firearm course that is certified by the Commission on Peace Officer Standards and Training. The course is 24 hours long and costs \$273 that includes ammunition, targets, and cleaning and safety equipment. Applicants who are granted approval by the Chief of Police to obtain a concealed weapon license shall contact the Police Range for further information on registering for and completing the required training. The Range phone number is (415) 587-2274.

RENEWAL APPLICANTS

For those whose concealed weapon licenses are renewed by the Chief of Police, completion of a four (4) hour training course is required. The fee is \$50. It is advisable for persons seeking renewal to contact the Police Range to determine available training dates well before their license expires. Successful completion of the required training, however, does not automatically renew the license.

DEPARTMENT OF JUSTICE FEES

The attached sheet details the fees established by the Department of Justice.

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 applicants 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(a)(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.
- ~~Sections 7 and 8~~ Section 7 and ~~Sections 7 and 8~~ to answer these questions orally. Do not write anything in Section 7 unless ~~specifically~~ specifically directed to do so by the ~~licensing~~ licensing agency.

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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):

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

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

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

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.

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

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.

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

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 forth 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.

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

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 any 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.

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

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
Standard Application for CCW License

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):

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):

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

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

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

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

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) (1) 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.

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

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 171(c)).
- 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).

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

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 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 (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).

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

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.

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile: (916) 263-0676
(916) 263-4887

September 24, 2004

TO: All Law Enforcement Agencies

SUBJECT: Peace Officer Applicant Fee Increase

Effective November 1, 2004, the California Department of Justice (DOJ) will increase the \$14 processing fee for the firearms eligibility review of peace officer applicants to \$19. Although the Department has managed to keep the fee at \$14 since 1996, a fee increase is necessary to cover costs associated with the firearms eligibility review process.

Total DOJ processing fees (\$51) will include:

- \$19 Firearms Division processing fee
- \$32 Criminal Justice Information Services Division fingerprint check
- \$ 0 FBI fingerprint check

\$51 Total

If you have any questions regarding this matter, please do not hesitate to contact the Firearms Information Services Section at (916) 263-4887.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Rossi", written over a large, loopy flourish.

RANDY ROSSI, Director
Firearms Division

For **BILL LOCKYER**
Attorney General

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile: (916) 263-0676
(916) 263-4887

September 24, 2004

TO: All Law Enforcement Agencies

SUBJECT: CCW License Fee Increase

Effective November 1, 2004, the California Department of Justice (DOJ) will implement a fee increase for initial and renewal applications for Licenses to Carry Concealable Firearms (CCW). For your reference, the new fee structure is printed on the back of this letter. Although the Department has managed to keep the fee stable since 1996, a fee increase is necessary to cover costs associated with the firearms eligibility review process.

If you have any questions regarding this matter, please do not hesitate to contact the Firearms Information Services Section at (916) 263-4887.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Rossi", written over a large, stylized circular flourish.

RANDY ROSSI, Director
Firearms Division

For **BILL LOCKYER**
Attorney General

**CALIFORNIA DEPARTMENT OF JUSTICE
FEE STRUCTURE
LICENSES TO CARRY CONCEALABLE FIREARMS
Effective October 1, 2007**

INITIAL APPLICANT FEES

90-Day Employment CCW		Two-Year Resident CCW	
State Fingerprint Processing	\$ 32.00	State Fingerprint Processing	\$ 32.00
FBI Fingerprint Processing	\$ 19.00	FBI Fingerprint Processing	\$ 19.00
Initial Firearms Eligibility Check	\$ 22.00	Initial Firearms Eligibility Check	\$ 22.00
<u>TOTAL</u>	<u>\$ 73.00</u>	<u>Annual Firearms Eligibility Check</u>	<u>\$ 22.00</u>
		<u>TOTAL</u>	<u>\$ 85.00</u>
Three-Year Judicial CCW		Four-Year Reserve Peace Officer CCW	
State Fingerprint Processing	\$ 32.00	State Fingerprint Processing	\$ 32.00
FBI Fingerprint Processing	\$ 19.00	FBI Fingerprint Processing	\$ 19.00
Initial Firearms Eligibility Check	\$ 22.00	Initial Firearms Eligibility Check	\$ 22.00
1st Annual Firearms Eligibility Check	\$ 22.00	1st Annual Firearms Eligibility Check	\$ 22.00
2nd Annual Firearms Eligibility Check	\$ 22.00	2nd Annual Firearms Eligibility Check	\$ 22.00
<u>TOTAL</u>	<u>\$ 117.00</u>	3rd Annual Firearms Eligibility Check	\$ 22.00
		<u>TOTAL</u>	<u>\$ 139.00</u>

RENEWAL FEES

90-Day Employment CCW Renewal		Two-Year Resident CCW Renewal	
State Thumbprint Verification	\$ 8.00	State Thumbprint Verification	\$ 8.00
Initial Firearms Eligibility Check	\$ 22.00	Initial Firearms Eligibility Check	\$ 22.00
<u>TOTAL</u>	<u>\$ 30.00</u>	Annual Firearms Eligibility Check	\$ 22.00
		<u>TOTAL</u>	<u>\$ 52.00</u>
Three-Year Judicial CCW Renewal		Four-Year Reserve Peace Officer CCW Renewal	
State Thumbprint Verification	\$ 8.00	State Thumbprint Verification	\$ 8.00
Initial Firearms Eligibility Check	\$ 22.00	Initial Firearms Eligibility Check	\$ 22.00
1st Annual Firearms Eligibility Check	\$ 22.00	1st Annual Firearms Eligibility Check	\$ 22.00
2nd Annual Firearms Eligibility Check	\$ 22.00	2nd Annual Firearms Eligibility Check	\$ 22.00
<u>TOTAL</u>	<u>\$ 74.00</u>	3rd Annual Firearms Eligibility Check	\$ 22.00
		<u>TOTAL</u>	<u>\$ 96.00</u>

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Exhibit “4”

City and County of San Francisco

OFFICE OF THE SHERIFF



Michael Hennessey
SHERIFF

(415) 554-7225

May 29, 2009
Reference: LC 2009-023

Mr. Gary Gorski
Attorney-at-Law
8549 Nephi Way
Fair Oaks, CA 95628

Dear Mr. Gorski,

I write to respond to your confusing and inflammatory letter of May 26, 2009. Please place yourself in my shoes for a moment and read your letter, attached.

First, and foremost, you never identify your client which, of course, prevents us from researching any correspondence that may have been received from her. Secondly, you identify her as a "gay female" as if that actually matters. I presume you have her permission to express such personal information but you might be surprised to learn that we don't maintain carry concealed weapons (CCW) applicant files by sexual preference, or even by gender.

Third, you ascribe obstructionist behavior to Sheriff's employees without any facts, who they might have said their name was, or even when such event(s) occurred.

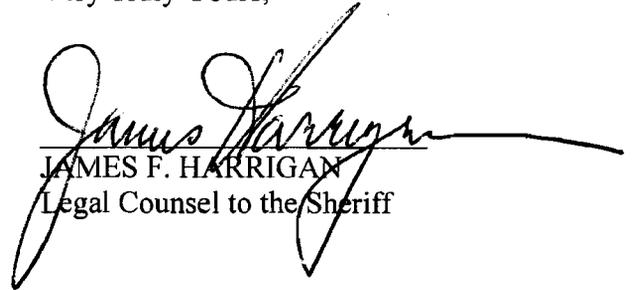
It isn't often that I get such a poorly crafted letter and it is not ameliorated by your ending paragraph, which attempts to be solicitous after making unsupported accusations.

Perhaps I can clarify the Sheriff's position for your consideration. Mr. Hennessey is obligated to issue CCWs to retired law enforcement personnel in limited circumstances under state law. There are a host of conditional factors which apply. He is not obligated to issue a CCW to any private citizen although he has the authority to do so. He has never issued a CCW to such an applicant and has no intention of doing so.

Should you wish to file an application you may write a letter to me or the Sheriff which will be replied to with a denial. It is a useless exercise but please do so if you wish to. Obviously, that letter must identify the applicant and the reason(s) for the request.

No meeting with an "investigator" will be scheduled because his decision is as it has been for twenty-nine (29) years, a denial. Such is his right and practice.

Very Truly Yours,



JAMES F. HARRIGAN
Legal Counsel to the Sheriff

attachment

Law Offices of
GARY W. GORSKI

8549 Nephi Way
Fair Oaks, CA 95628
(916) 965-6800
Facsimile (916) 965-6801

usrugby@pacbell.net

* Admitted in California and Pennsylvania

May 26, 2009

VIA REGULAR MAIL, EMAIL AND FAX

Chief of Police
Heather J. Fong
850 Bryant St., #525
San Francisco, CA 94103
Fax (415) 553-1554
sfpdpbaf@pacbell.net
SFPDCentralStation@ci.sf.ca.us
sfpd.online@sfgov.org

Sheriff Michael Hennessey
City Hall, Room 456
1 Carlton Goodlett Place
San Francisco, CA 94102
Fax: (415) 554-7050
sheriff@sfgov.org

**RE: Public Records Request and Demand for Interview of
CCW Applicant to comply with Section 7 of the
application with witness signature.**

Dear Sheriff Hennessey and Chief Fong:

I have been retained by a gay female who has been attempting to apply for a CCW, which, under California Penal Code Section 12050(a)(1)(B), allows a sheriff and/or chief of police of a municipal police department the discretion to issue a "license to carry a pistol, revolver, or other firearm capable of being concealed upon the person ..." To date, her attempts have been futile as there is no published policy on either website about the CCW application process and your employees have been obstructive to say the least.

When my client attempted to apply by contacting your departments, she was given the run-around in that 1) employees had no knowledge of any CCW policy, 2) had no knowledge about how to apply, and 3) they stated that your department does not process CCW applications.

Letter to Sheriff Hennessey and Chief Fong

RE: Public Records Request and Demand for Interview of CCW Applicant to comply with Section 7 of the application with witness signature.

May 26, 2009

Page 2 of 2

This letter constitutes a formal request for the following, pursuant to the Public Records Act:

- 1) Please provide a DOJ CCW application.
- 2) Please provide a list of all current and past CCW permit holders since your tenure in office, inclusive of all good cause data relied upon for issuance.
- 3) Please provide a copy of your written CCW issuance policy.
- 4) If your department defers to the other for the processing of CCWs, please provide that policy or letter of understanding.

In addition to this request, **please provide a date and time that my client can meet with an "investigator"** of your department to complete section 7 of the application, and have the application "witnessed" by the investigator and "signed."

You may email and fax the information to my office to expedite the process. My email is usrugby@pacbell.net and fax is 916-965-6801.

Thank you for your consideration in this regard and I look forward to an amicable resolution to this problem so that we can tend to other business.

Very truly yours,
LAW OFFICES OF GARY W. GORSKI

/s/ Gary W. Gorski
Gary W. Gorski
Attorney at Law

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Exhibit “5”

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

Section 8 – Certification and Release of Information 14

Attachment 1 – California Prohibiting Categories for a CCW License 16

Attachment 2 – California Prohibiting Misdemeanors 17

Attachment 3 – Federal Prohibiting Categories for Possessing Firearms 19

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

Official Use Only – Type of Permit Requested
 Standard Judge
 Reserve Officer 90 Day

Public Disclosure Admonition

I understand that I am obligated to be complete and truthful in providing information on this application. I understand that all of the information disclosed by me in this application may be subject to public disclosure.

Therese Marie Pizzo
Applicant Signature

June 4, 2009
Date

Witness Signature / Badge Number

Date

Section 1 – Applicant Personal Information

Name: Pizzo, Therese Marie
Last First Middle

If Applicable
Maiden Name or other Name(s) Used: _____

City and County of Residence: San Francisco Country of Citizenship: USA

Date of Birth: 04/22/1960 Place of Birth: Los Angeles, CA
City County State

Height: 5' 6" Weight: 130 Color Eyes: Blue Color Hair: Light Brown

Section 2 – Applicant Clearance Questions

1. Do you now have, or have you ever had a license to carry a concealed weapon (CCW)?
No Yes _____ (If yes, please indicate below. Use additional pages if necessary.)

Issuing Agency _____ Issue Date _____ CCW# _____

2. Have you ever applied for and been denied a license to carry a concealed weapon?
No Yes _____ (If yes, give agency name, date and reason for denial.)

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):

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

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

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

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 #
None that I recall - if there was one, it would have been a minor moving violation		

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.	Standard issue Military Barretta M9 9mm, side arm -- not purchased yet.		
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.

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

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.

State of California, Department of Justice

Standard Application for CCW License**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.

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

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.

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

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
Standard Application for CCW License

Section 7 – Investigator’s Interview Notes

Applicant

Name: _____
Last First Middle

Date of Birth: _____ **Age** _____

Social Security No.: _____

California DL/ID No.: _____

Driver’s License Restrictions: _____

Residence Address:

Number Street Apt. City State Zip

Mailing address (if different):

Number Street Apt. City State Zip

Home / Personal Phone Numbers: () _____

Spouse’s Name and Address: _____

Applicant Occupation: _____

Business / Employer Name: _____

Business Phone Number: : () _____

Business Address:

Number Street Apt. City State Zip

1. List all previous home addresses for the past five years.

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

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):

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):

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

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

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).

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

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.

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

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).

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

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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Exhibit “6”

1 **Plaintiff's California Department of Justice, Standard Application for License to Carry a**
2 **Concealed Weapon (CCW), Dated June 29, 2009**

3 **(Faxed Version)**

4 *Please refer to the attached PDF file titled, "Plaintiffs_Exhibit_06."*

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TRANSMISSION VERIFICATION REPORT

TIME : 06/29/2009 13:19
NAME : GWGORSKI
FAX : 9169656801
TEL : 9169656800
SER. # : L8J814214

DATE, TIME
FAX NO. /NAME
DURATION
PAGE(S)
RESULT
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06/29 13:16
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OK
STANDARD
ECM

California Department of Justice



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

TRANSMISSION VERIFICATION REPORT

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NAME : GWGORSKI
FAX : 9169656801
TEL : 9169656800
SER.# : L8J814214

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MODE	STANDARD ECM

California Department of Justice



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