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12 Attorneys for Plaintiffs

13 **UNITED STATES DISTRICT COURT**  
14 **EASTERN DISTRICT OF CALIFORNIA**

15 MARK BAIRD and  
16 RICHARD GALLARDO,  
17 Plaintiffs,

18 v.

19 XAVIER BECERRA, in his official  
20 capacity as Attorney General of the State of  
21 California, and DOES 1-10,  
22 Defendants.

Case No. 2:19-cv-00617-KJM-AC

**DECLARATION OF  
MARK BAIRD  
IN SUPPORT OF MOTION  
FOR PRELIMINARY INJUNCTION**

Date: September 6, 2019  
Time: 10:00 a.m.  
Room: 3  
Judge: Hon. Kimberly J. Mueller

**DECLARATION OF MARK BAIRD**

1  
2 1. I, Mark Baird, am a plaintiff in the above-captioned matter. I submit this  
3 Declaration in support of the plaintiffs’ motion for a preliminary injunction to enjoin California  
4 Penal Codes §26150, §26155, §26350, and §25850. I make this declaration of my own personal  
5 knowledge and, if called as a witness, I could and would testify competently to the truth of the  
6 matters set forth herein.  
7

8 2. I am over the age of 18 and a resident of Siskiyou County, located in the Eastern  
9 District of California. I am a law-abiding individual of good moral character, have never been  
10 charged with, summoned, or arrested for any violation of the California State Penal Code or any  
11 other criminal offense.  
12

13 3. Siskiyou County has a population of less than 200,000 people. As a resident of  
14 Siskiyou County, I am eligible to apply for an open carry firearm license under California’s  
15 statutory firearms licensing scheme under Penal Code §26150.

16 4. I possess firearms in my home for self-defense, for which no license is required in  
17 the State of California.

18 5. I do not hold a license to carry a firearm in California and I do not fall within any  
19 of the exemptions to those sections of the California Penal Code that criminalize the possession of  
20 firearms, whether loaded or unloaded. See, Penal Codes §26350 and §25850.  
21

22 6. It is my intention to carry a firearm exposed and on my person for self-defense  
23 outside of my home, loaded or unloaded, throughout Siskiyou County and the State of California  
24 [excluding sensitive places such as schools and government buildings].

25 7. I intend to exercise my right to open carry with or without an open carry license,  
26 which will subject me to criminal penalties including incarceration and fines. See, Penal Codes  
27 §26350, §25850.  
28



1 informed me that he will not issue any open carry licenses, despite the statutory provision for the  
2 issuance of open carry licenses under §26150.

3 15. In every county in California having a population under 200,000, even where a  
4 law-abiding individual has met the criteria for the issuance of an open carry license, the sheriff of  
5 such county has discretion to deny the application because of the “may issue” language of Penal  
6 Codes §26150 and §26155.  
7

8 16. I meet every statutory requirement for the issuance of an open carry license under  
9 California Penal Code §26150. If the language of the statutes read “shall issue”, instead of “may  
10 issue”, Sheriff Lopey would be required to issue an open carry license to me and all otherwise  
11 eligible residents of Siskiyou County. Because of the “may issue” language of §26150, and  
12 defendant Becerra’s enforcement of such statutes, my Second Amendment rights continue to be  
13 violated on a daily basis.  
14

15 17. There is no administrative appeal process available for challenging Sheriff  
16 Lopey’s denial of my applications. Even if there were an available administrative appeal process  
17 to challenge Sheriff Lopey’s denial of my applications for an open carry license, such ‘process’  
18 would be futile because Sheriff Lopey personally informed me that he *will not issue any* “open  
19 carry” licenses. Upon information and belief, Sheriff Lopey has not issued any open carry firearm  
20 licenses during his tenure as Sheriff of Siskiyou County.  
21

22 18. The public website of the Siskiyou County Sheriff’s Office only provides  
23 information related to applications for a concealed carry license/“CCW”.<sup>1</sup> The Siskiyou Sheriff’s  
24 handgun licensing procedure has no option for applying for an open carry license. All  
25 publications, forms, and applications provided by the Siskiyou County Sheriff for obtaining a  
26

27 <sup>1</sup> <https://www.co.siskiyou.ca.us/sheriff>; <https://www.co.siskiyou.ca.us/sheriff/page/concealed-carry-weapon-permits-ccw>  
28 [ccw](#)

1 firearm carry license relate solely to CCW licenses. Copies of the documents provided to the  
2 public by the Siskiyou County Sheriff's Office are attached hereto and made part of my  
3 Declaration: "Concealed Carry Weapon Permits", "Instruction for CCW Permit Application",  
4 "CCW Criteria and Requirements for Application", "CCW Process and Fees", "CCW New  
5 Applicant Packet", "CCW Renewal Application Form", "CCW Instructor List", "CCW Livescan  
6 Fingerprinting Form for Applicants", and "Siskiyou County Sheriff CCW Policy 218".  
7

8 19. The Livescan Fingerprinting Form used by the Siskiyou Sheriff is form created by  
9 the California DOJ. The Livescan Form contains a section for the applicant to complete entitled,  
10 "Authorized Applicant Type"; this section is pre-populated [by the Sheriff or DOJ] to read  
11 "STANDARD CCW". In either scenario, both governmental entities endorse concealing from the  
12 public the option to apply for an open carry license.  
13

14 20. The application for a carry license provided by the Siskiyou Sheriff, created by the  
15 DOJ, is entitled, "Standard Initial and Renewal Application for License to Carry a Concealed  
16 Weapon". (see attached DOJ CCW Application). Under the section, "Format of CCW License",  
17 the DOJ form confusingly indicates that a 'concealed carry weapon license' to carry 'loaded and  
18 exposed' is available to applicants living in a county having less than 200,000 people. An open  
19 carry license is not a 'type' of concealed carry license. The DOJ application itself is titled as an  
20 application "For License to Carry a *Concealed* Weapon". An application to carry a concealed  
21 weapon is not, by definition, an application to carry a weapon exposed. No section of the DOJ  
22 CCW application allows the applicant to select "open carry" as an option.  
23

24 21. It also bears mentioning that the revision date of the DOJ CCW License  
25 application, administered by the Siskiyou County Sheriff's Office, is January 1, 2012 – the date  
26 that Penal Code §26350 was implemented criminalizing the open carriage of unloaded firearms.  
27

1           22.     Neither the Siskiyou County Sheriff’s Office, nor the DOJ, provide an application  
2 for an open carry license or guidance for the public to apply for an open carry license.

3           23.     Penal Code §26160 provides, “Each Licensing Authority shall publish and make  
4 available a written policy summarizing the provisions of Section 26150, and subdivisions of  
5 Section 26155.” Consistent with Penal Code §26160, Siskiyou Sheriff Policy No. 218 mentions  
6 the open carry license only in the context of its automatic revocation where a licensee changes  
7 residency to another county. (Policy 218 at 218.6.3(e)). Despite the written policy, Sheriff Lopey  
8 personally denied each of my applications for an open carry firearms license and informed me  
9 that he will not issue open carry licenses.  
10

11           24.     Upon information and belief, Sheriff Lopey and the other sheriffs in this state, are  
12 acting at the direction of, and/or with the knowledge and approval of, defendant Becerra.

13           25.     If the language of California’s licensing scheme provided that the sheriffs “shall  
14 issue” an open carry license to law-abiding applicants, Sheriff Lopey would be required by law to  
15 issue to me an open carry license.  
16

17           26.     I would apply for an open carry license in a county other than Siskiyou County,  
18 but am prohibited from doing so by California Penal Code §26150 and §26155, which require  
19 open carry license applications be made in the applicants’ county of residence. I do not have a  
20 residence in any other county and am therefore ineligible under §26150 and/or §26155 to apply  
21 for an open carry license in any other county in California.  
22

23           27.     Even if I were issued an open carry license by Sheriff Lopey, §26150 renders open  
24 carry licenses invalid outside of the county of issuance. It is my intention to exercise my Second  
25 Amendment right to open carry in Siskiyou County and throughout the State of California, with  
26 or without an open carry license, as I am a law-abiding citizen with good moral character, I have  
27

1 no state or federal prohibitors to the possession of firearms, I have completed the requisite  
2 training under the statutes, and open carry in public for self-protection is a core fundamental right  
3 protected by the Second Amendment. By carrying a firearm exposed for self-protection outside of  
4 Siskiyou County, loaded or unloaded, I will be subjected to criminal penalties including  
5 incarceration and fines. (see, Penal Codes §25850, §26350).  
6

7 28. Openly carrying my firearm within Siskiyou County also exposes me to criminal  
8 prosecution because Sheriff Lopey will not issue open carry licenses, and neither the Siskiyou  
9 Sheriff nor the DOJ have a procedure to apply for an open carry license.

10 29. Abandoning my right to open carry in public, whether inside or outside of  
11 Siskiyou County, leaves me unprotected and vulnerable to criminality. I should not have to  
12 choose between exercising my preexisting right to self-protection in public and being subjected to  
13 criminal penalties.  
14

15 30. My right to open carry, whether inside or outside of Siskiyou County has been,  
16 and continues to be, infringed and violated by Penal Codes §26150, §26350, and §25850 and  
17 defendant Becerra, who enforces and directs the enforcement of such statutes and unconstitutional  
18 policies.  
19

20 31. Every sheriff office in the state is required to use DOJ CCW license applications.  
21 Neither the sheriffs of this state nor the DOJ offer an option for Californian residents to apply for  
22 an open carry license. The only license California residents are able to apply for is a CCW  
23 license.  
24

25 32. Those sheriff offices and police agencies that do not utilize a paper application  
26 direct their county's applicants to an on-line application portal. The on-line application portal is  
27 provided by and/or connected to defendant Becerra's DOJ. The DOJ's on-line application portal  
28 contains no option to apply for an open carry license. The only carry license available by the DOJ

1 is the CCW license.

2 33. I have reviewed the websites of the 58 sheriff offices in the State of California.  
3 Some of the sheriff websites do not even mention firearm licensing on their home page.<sup>2</sup> The San  
4 Francisco, Colusa, and Alpine County Sheriff Offices home pages have no reference to carry  
5 permits at all. The remaining websites mention CCW licenses only; none of the sheriff websites  
6 mention an option to apply for an open carry license, including those counties with less than  
7 200,000 population.  
8

9 34. None of the sheriff's websites contained the required verbatim text of §26150 or  
10 §26155 in a readily accessible manner so as to fully inform the public of the right to apply for an  
11 open carry license, as required by §26160. Even a cursory summary required by §26160 would  
12 articulate to the public the two carry options under §26150 and §26155 to enable the public to  
13 make an informed choice as to which best suits their needs, i.e., the right to open carry or the  
14 privilege of concealed carry.  
15

16 35. From the totality of the circumstances presented, the government's intention is to  
17 eliminate the concept of open carry from the public domain in order to exercise complete control  
18 over the public's ability to carry a firearm for self-defense. In the absence of an open carry  
19 license, the government has unfettered control over all carry licensing because CCW is not a right  
20 – it is a privilege subject to the whims of the government to which no member of the public is  
21 entitled.  
22

23 36. The statutory requirements for CCW licenses are the same as they would be for  
24 open carry if it were offered except that an open carry permit is valid only in the county of  
25

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26 <sup>2</sup><http://www.alpinecountyca.gov/index.aspx?nid=204>; <http://www.countyofcolusa.org/index.aspx?nid=156>;  
27 <https://www.countyofglenn.net/dept/sheriff/welcome>; <https://tehamaso.org/>;  
28 <https://www.solanocounty.com/depts/sheriff/>



1 issuance. The CCW license, a ‘privilege’, is valid throughout the State of California, but the  
2 validity of an open carry license, a preexisting right, terminates at the county line.

3 37. Even if the open carry license were available in certain counties, to exercise the  
4 right to open carry, one would have to apply in each and every jurisdiction, live in all those  
5 jurisdictions simultaneously, and sprout wings to get from one county to another in order to avoid  
6 being arrested in the counties in the middle.  
7

8 38. The majority of the 58 sheriff’s offices in this state provide a link on their website  
9 to an electronic portal for processing CCW applications, which does not provide an option to  
10 apply for an open carry license.

11 39. The Nevada County Sheriff Office website confirms the nexus between the  
12 sheriffs and defendant Becerra’s control over the licensing processes through the state’s sheriff’s  
13 offices:  
14

15 “California Department of Justice - Use this link to access the  
16 application process for CCW licenses.”

17 See, <https://www.mynevadacounty.com/184/Concealed-Weapon-Permits-CCW-License-to->

18 40. The California DOJ link provided by the Nevada County Sheriff website brings  
19 the applicant to the DOJ-created and DOJ-enforced uniform handgun application portal for  
20 applying for a CCW license.<sup>3</sup> The DOJ provides no option to apply for an open carry license  
21 either through DOJ’s electronic portal or through the California sheriff’s offices where a hard-  
22 copy application is available.  
23

24 41. By controlling the type of carry license that residents can apply for, defendant  
25 Becerra has effectively eliminated the option of open carry throughout the state of California.  
26  
27

28 <sup>3</sup> <https://nevadaca.permitium.com/ccw/start>

1           42.     The California Department of Justice website does not provide to the public, and  
2 does not offer to the various sheriffs and police chiefs in the state, an application for an open  
3 carry license. I have conducted a search of the DOJ websites and have found no reference,  
4 applications, or forms regarding open carry licenses with the exception of Bureau of Security and  
5 Investigative Services (“BSIS”) permits for security guards and alarm agents, which reference  
6 terms of employment.  
7

8           43.     No DOJ form readily accessible to the public referenced an option to apply for an  
9 open carry license.

10          44.     California Penal Code §26225 requires that a copy of all firearms licenses issued  
11 in each county (open carry and concealed carry) be “filed immediately” with the DOJ.  
12

13          45.     I am informed by the California Department of Justice that, since the passage of  
14 Penal Code §26350 in January 2012 criminalizing the open carriage of unloaded handguns in  
15 public, their records reflect that no open carry licenses have been issued in the State of California.  
16

17          46.     Even if I were not statutorily precluded from applying for an open carry license in  
18 another county in California, such an application would be futile because, according to the  
19 official records of the DOJ, no open carry licenses have been issued in the State of California  
20 since 2012.

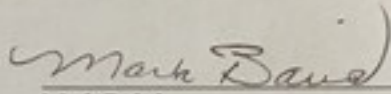
21          47.     Because of the “may issue” provisions, the “good cause” requirements, and the  
22 geographical restrictions related to open carry licenses under of §26150, and the risk of criminal  
23 prosecution under Penal Codes §26350 and §25850 by exercising my right to open carry, I am  
24 irreparably harmed by the ongoing deprivation of my preexisting right to open carry, loaded or  
25 unloaded, as protected by the Second Amendment.  
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48. Because of defendant Becerra's *de facto* elimination of the right to open carry, as borne out through the DOJ's licensing applications – both hard copy and electronic portal applications – which only permit the filing of applications for concealed carry/CCW licenses, as carried out through the licensing agencies in the state including the Siskiyou Sheriff's Office, I am irreparably harmed by the ongoing deprivation of my preexisting right to open carry, loaded or unloaded, the exercise of which would subject me to criminal prosecution under Penal Codes §26350 and §25850.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 8, 2019

  
\_\_\_\_\_  
Mark Baird



**XAVIER BECERRA**

*Attorney General*

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Update: These forms now contain fields you can fill in on-screen by first downloading and saving the form to your computer.

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- Ammunition Vendor License (Non-Firearms Dealer) (BOF 1021), pdf
- Annual Event and Security Plan (BOF 104), pdf
- Application for Centralized List of Firearms Dealers (BOF 4080), pdf
- Application for Centralized List of Firearms Dealers Locally Inspected Dealership (BOF 4081), pdf

- Application for Centralized List of Exempted Federal Firearms Licensees (CLEFFL) and Exemption Declaration (BOF 10-07), pdf
- Application for License to Manufacture Firearms and Centralized List of Firearms Manufacturers (BOF 017), pdf
- Application for Tear Gas Dealers Permit and/or Protective Tear Gas System Permit (BOF 956), pdf
- Assault Weapon Registration (AWR) Confirmation Letter Request (BOF 1033), pdf
- Automated Firearms System (AFS) Request for Firearm Records (BOF 053), pdf
- California Firearms Licensee Check (CFLC) Firearms Shipment Approval Letter Request Form (BOF 08-300), pdf
- California Firearms Licensee Check (CFLC) Enrollment Application (BOF 08-301), pdf
- California Firearms Licensee Check (CFLC) Firearms Shipment Modification/Cancellation (BOF 08-319), pdf
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- Certified Instructor Application (BOF 037), pdf
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- Comparable Entity Application (BOF 946), pdf
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- Dangerous Weapons License/Permit(s) Application and Live Scan Request Form (BOF 030), pdf
  - Application Checklist, pdf

- Dangerous Weapons License/Permit(s) Renewal Application (BOF 031), pdf
- Employee Certificate of Eligibility Report of Employment (BOF 117), pdf
- Employee Certificate of Eligibility Termination of Employment Notice (BOF 118), pdf
- Entertainment Firearms Permit Application (BOF 051), pdf
- Firearm Dealer's Report of Firearm Acquisition (BOF 4334), pdf
- Firearm Ownership Report (BOF 4542A), pdf
- General Notice of Firearm Prohibition and Power of Attorney for Firearms Relinquishment, Sale or Transfer for Storage (BOF 110), pdf
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- Report of Destructive Device Public Display Activity (BOF 026), pdf
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- Report of Machinegun Inventory, Acquisition, Disposition and Manufacture (BOF 041), pdf

- Report of Operation of Law or Intra-Familial Firearm Transaction (BOF 4544A), pdf
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- Report of Short-Barreled Shotgun/Rifle Inventory, Acquisition, Disposition and Manufacture (BOF 043), pdf
- Report of Training and/or Research & Development Activity (BOF 024), pdf
- Report of Use of Personal Assault Weapons in Military Sanctioned Activities (BOF 047)
- Request for Hearing for Relief from Firearms Prohibition (BOF 4009C), pdf
- Request for Live Scan Service (BOF 8016RR), pdf
- Request for Live Scan Service for POST-CERTIFICATION (BCIA/BOF 8016), pdf
- Safe Handling Demonstration Affidavit (BOF 039), pdf
- Verification List of Prospective Vendors/Designated Firearm Transfer Agents (BOF 105), pdf

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## Publications

- Assault Weapons Identification Guide, Third Edition, pdf - **Currently Under Revision**
- California Firearms Summary 2016, pdf

- Firearms Prohibiting Categories and List of Prohibiting Misdemeanors, pdf
- Firearm Safety Certificate (FSC) Manual for Dealers and Certified Instructors, pdf (Revised January 2019)
- Firearm Safety Certificate (FSC) Study Guide, pdf (Revised January 2019)
- Firearm Safety Certificate (FSC) Study Guide-Spanish, pdf (Revised January 2019)
- New and Amended Firearms/Weapons Laws 2018, pdf
- New and Amended Firearms/Weapons Laws 2019, pdf

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California Code of Regulations

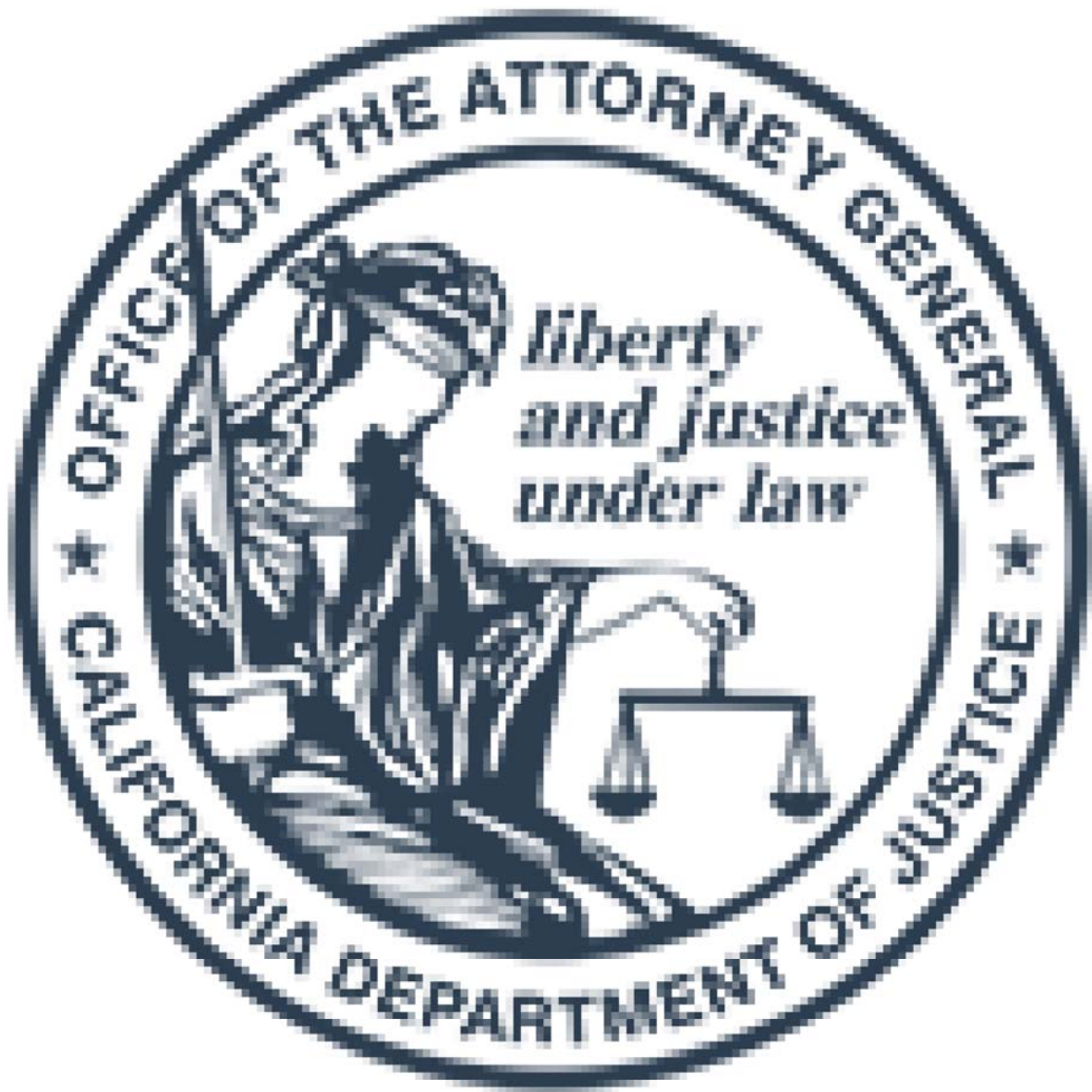


Roster of Firearm Safety Devices Certified for Sale

Roster of Handguns Certified for Sale

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RESOLUTION NO. 13-19

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU  
IN SUPPORT OF THE SECOND AMENDMENT  
AND THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS

WHEREAS, the American people have retained to themselves the right to “keep and bear arms” – a right not subject to infringement by Congress as is memorialized in the Second Amendment to the United States Constitution, as part of United States Bill of Rights, ratified on December 15, 1791; and,

WHEREAS, Cooper v. Aaron held that since the Supremacy Clause of Article VI made the U.S. Constitution the supreme law of the land and Marbury v. Madison gave the Supreme Court the power of judicial review, the precedent set forth in Brown v. Board of Education is the supreme law of the land and is therefore binding on all the states, regardless of any state laws contradicting it; and

WHEREAS, a landmark decisions issued by the United States Supreme Court in District of Columbia v. Heller established that the Second Amendment protects an individual's right to possess a firearm from federal infringement unconnected with service in a militia, and to use that Arm for traditionally lawful purposes, such as, but not limited to, self-defense within the home; and

WHEREAS, the Court in McDonald v. City of Chicago established that the Fourteenth Amendment to the U.S. Constitution extended protection of the individual right to keep and bear arms to the several States under due process provisions of that Amendment; and

WHEREAS, the strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government; and

WHEREAS, the government of California has repeatedly released violent criminals back into its' lawful society; and

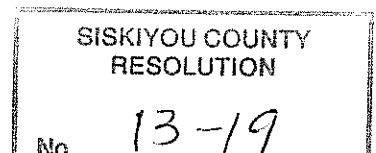
WHEREAS, according to Merriam Webster's New Collegiate Dictionary, the word “infringement” means “an encroachment or trespass on a right or privilege” – in other words a violation or constraint upon a right; and

WHEREAS, sadly, recent high profile events within our country have sparked discussions of gun-control at the local, state and federal levels, which have advanced proposed legislation which professes to address gun violence, while, in fact, infringes upon Second Amendment rights – (this has included numerous gun and ammunition control proposals, outright gun bans as well as registration schemes that would convert the right into a revocable privilege; and,

WHEREAS, the County of Siskiyou's economy is supported by family ranching, farming and natural resource businesses, and that the right to keep and bear Arms is fundamental to our right to protect our families, our property, our livestock, and our livelihood; and

WHEREAS, as a “frontier county,” hunting for food is a practice among many residents and, as a sport, hunting makes an important contribution to the local economy; and,

WHEREAS, the residents of this County respect the rights protected by the Second Amendment through the recognition and support of responsible firearm ownership, training and awareness; and



NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Siskiyou supports all discussions seeking new ideas to protect our citizens from violence but cannot abide by any order, provision, law or agency initiative that violates the protections of the Second Amendment.

PASSED AND ADOPTED by the Board of Supervisors of the County of Siskiyou at a regular meeting of said Board, held the 12th day of February, 2013, by the following vote of said Board:

AYES: Supervisors Valenzuela, Kobseff, Armstrong, Bennett and Criss

NOES: NONE

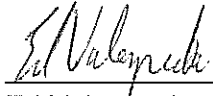
ABSENT: NONE

ABSTAIN: NONE

ATTEST:

COLLEEN SETZER, COUNTY CLERK

By:   
Deputy

  
\_\_\_\_\_  
Ed Valenzuela, Chair

# INSTRUCTION FOR CCW PERMIT APPLICATION

1. Nonrefundable fee is: \$193.00, standard permit. (2 years)  
\$220.00, judges ccw. (3 years)  
\$242.00, reserve peace officers. (4 years)  
\$176.00, employment permit. (90 days)
2. All weapons listed on CCW must be inspected and signed off by the class instructor. Make sure they are unloaded.
3. Fingerprints will be taken only on Tuesdays from 9:00 am to 2:00 pm, call for appointment 842-8173. Bring attached Livescan form when you get fingerprinted.
4. You must take the “CCW initial 8-hour training” class. You can call us at 842-8317 for a list of approved instructors.
5. You must have a valid reason why you would want a concealed weapons permit.
6. You must be 21 years of age and a full-time resident (no exceptions) of Siskiyou county at least 6 months, and live outside of the city limits, or within a city that contracts with the sheriff’s office for law enforcement services to obtain a permit from the sheriff’s dept.
7. Applicant-please fill out & sign all sections before turning in your application with your letters & class certificate.
8. You must have 3 letters from friends that you have known for 5 years or more.
9. Show a photo i.d. (current driver’s license or i.d. card.)

An unsigned or otherwise incomplete application will result in a delay in processing.

Processing takes approximately 8-12 weeks. If you have any questions, please call 842-8386 or 842-8317



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**Authority**

California Penal Code sections 26150 and 26155 provide that a sheriff of a county or the chief or other head of a municipal police department of any city or county may issue a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person (CCW license). Penal Code section 26175 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 Penal Code sections 26150 and 26155 (a sheriff or the chief or other 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 license will be fingerprinted and state and federal records will be checked to determine if they are eligible to possess firearms. The attachment to this application list all categories that would prohibit a person 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 the county a pistol, revolver, or other firearm capable of being concealed upon the person.

**Training Required**

Penal Code sections 26150 and 26155 specify 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 firearm safety and the law regarding permissible use of a firearm.

**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. (Pen. Code, § 26190, subd. (f).)



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**Completing the Application**

Answering all the questions on this standard application does not guarantee the issuance of a CCW license. The determination whether to issue the license is at the discretion of the licensing authority. Pursuant to Penal Code section 26160, each licensing authority, in addition to using the state standard application form, will have a written policy summarizing what they require. Prior to issuing a CCW license, 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. (Pen. Code, § 26175, subd. (g).)

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

**Important Instructions**

1. Complete, read, and sign Sections 1 through 5, as directed. Use additional pages if more space is required.
2. Sections 6, 7, and 8 must be completed in the presence of an official of the licensing agency.
3. 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.

# STANDARD INITIAL AND RENEWAL APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

Official Use Only	
Type of License Requested	
<input type="checkbox"/> Standard	<input type="checkbox"/> Judge
<input type="checkbox"/> Reserve Officer	<input type="checkbox"/> 90 Day

Initial Application  Renewal Application

### 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.

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

\_\_\_\_\_  
Witness Signature \_\_\_\_\_  
Date

\_\_\_\_\_  
Badge Number

### Section 1 - Applicant Personal Information

\_\_\_\_\_  
Last Name \_\_\_\_\_  
First Name \_\_\_\_\_  
Middle Name

\_\_\_\_\_  
If Applicable, Maiden Name or Other Names(s) Used

\_\_\_\_\_  
City of Residence \_\_\_\_\_  
County of Residence \_\_\_\_\_  
Country of Citizenship

\_\_\_\_\_  
Date of Birth \_\_\_\_\_  
Place of Birth (City, County, State)

\_\_\_\_\_  
Height \_\_\_\_\_  
Weight \_\_\_\_\_  
Eye Color \_\_\_\_\_  
Hair Color \_\_\_\_\_  
M/F

### Section 2 - Applicant Clearance Questions

1. Do you now have, or have you ever had, a license to carry a concealed weapon (CCW)? If yes, please enter the issuing agency name, issue date and CCW license number. Use additional pages if necessary.  YES  NO

\_\_\_\_\_  
Issuing Agency \_\_\_\_\_  
Issue Date \_\_\_\_\_  
CCW No.

2. Have you ever applied for and been denied a CCW license? If yes, please enter the agency name, date, and the reason for denial.  YES  NO

\_\_\_\_\_  
Agency Name \_\_\_\_\_  
Date

\_\_\_\_\_  
Reason for Denial

3. Have you ever held and subsequently renounced your United States citizenship? If yes, please explain.  YES  NO

4. If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable? If yes, please explain.  YES  NO

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5. Are you now, or have you been, a party to a lawsuit in the last five years? If yes, please explain.  YES  NO

6. Are you now, or have you been, subject to a restraining order(s) from any court? If yes, please explain.  YES  NO

7. Are you on probation or parole from any state for conviction of any offense including traffic? If yes, please explain.  YES  NO

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 No.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9. Have you ever been convicted of any criminal offense (civilian or military) in the U.S. or any other country? If yes, please explain including the date, agency, charges and disposition.  YES  NO

10. Have you withheld any fact that might affect the decision to approve this license? If yes, please explain.  YES  NO

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**Section 3 - Description of Weapons**

List below the weapons you desire to carry if granted a CCW license. 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 Number
_____	_____	_____	_____
Make	Model	Caliber	Serial Number
_____	_____	_____	_____
Make	Model	Caliber	Serial Number

**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.

Title 49, section 46505 of the United States Code states that 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 any 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.

## STANDARD INITIAL AND RENEWAL APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

### 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 26180 - False Statement on Application Form

- (a) Any person who files an application required by Section 26175 knowing that statements contained therein are false is guilty of a misdemeanor.
- (b) Any person who knowingly makes a false statement on the application regarding any of the following is guilty of a felony.
  - (1) The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to this article.
  - (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. This subdivision shall not apply to acts committed in the driving of a vehicle.

#### Penal Code section 197 - Justifiable Homicide; Any Person

Homicide is also 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.

#### Penal Code section 198 - Justifiable Homicide; Sufficiency of Fear

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 25100 - Criminal Storage of Firearm

- (a) Except as provided in Section 25105, a person commits the crime of "criminal storage of a firearm of the first degree" if all of the following conditions are satisfied.
  - (1) The person keeps any loaded firearm within any premises that are under the person's custody or control.
  - (2) The person 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.
  - (3) The child obtains access to the firearm and thereby causes death or great bodily injury to the child or any other person.

## STANDARD INITIAL AND RENEWAL APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

### Section 5 - Applicable California Penal Code Sections - Continued

- (b) Except as provided in Section 25105, a person commits the crime of "criminal storage of a firearm of the second degree" if all of the following conditions are satisfied:
- (1) The person keeps any loaded firearm within any premises that are under the person's custody or control.
  - (2) The person 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.
  - (3) The child obtains access to the firearm and thereby causes injury, other than great bodily injury, to the child or any other person, or carries the firearm either to a public place or in violation of Section 417.

#### Penal Code section 25105 - Exceptions

Section 25100 does not apply whenever any of the following occurs:

- (a) The child obtains the firearm as a result of an illegal entry to any premises by any person.
- (b) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (c) The firearm is carried on the person or within close enough proximity thereto that the individual can readily retrieve and use the firearm as if carried on the person.
- (d) The firearm is locked with a locking device, as defined in Section 16860, which has rendered the firearm inoperable.
- (e) The person is a peace officer or a member of the Armed Forces or the National Guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
- (f) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense for defense of another person.
- (g) The person who keeps a loaded firearm on any premise that is under the person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premise.

#### Penal Code section 25200 - Storage of Firearm where Child Obtains Access and Carries Firearm Off-Premises

- (a) If all of the following conditions are satisfied, a person 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:
  - (1) The person keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premises that are under the person's custody or control.
  - (2) The person 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.
  - (3) The child obtains access to that firearm and thereafter carries that firearm off-premises.
- (b) If all of the following conditions are satisfied, a person shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding five thousand dollars (\$5,000), or by both that imprisonment and fine:
  - (1) The person keeps any firearm within any premises that are under the person's custody or control.
  - (2) The person knows or reasonably should know that a child is likely gain access to the firearm without the permission of the child's parent or legal guardian.
  - (3) The child obtains access to the firearm and thereafter carries that firearm off-premises to any public or private preschool, elementary school, middle school, high school, or to any school-sponsored event, activity, or performance, whether occurring on school grounds or elsewhere.
- (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 Section 29300 regarding the authority to confiscate firearms and other deadly weapons as a nuisance.
- (d) As used in this section, "off-premises" means premises other than the premises where the firearm was stored.

#### Penal Code section 25205 - Exceptions

Section 25200 does not apply if any of the following are true:

- (a) The child obtains the firearm as a result of an illegal entry into any premises by any person.
- (b) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (c) The firearm is locked with a locking device, as defined in Section 16860, which has rendered the firearm inoperable.
- (d) The firearm is carried on the person within close enough range that the individual can readily retrieve and use the firearm as if carried on the person.
- (e) 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.
- (f) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person.
- (g) The person who keeps a firearm has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

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

I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through an 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 any 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 the Firearms Prohibiting Categories attachment to this application. 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 license.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Badge Number

\_\_\_\_\_  
Date

CALIFORNIA DEPARTMENT OF JUSTICE  
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**Section 7 - Investigator's Interview Notes**

Applicant Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Name \_\_\_\_\_

Date of Birth \_\_\_\_\_ Age \_\_\_\_\_ Social Security No. \_\_\_\_\_ CA Driver License/ID No. \_\_\_\_\_

CA Driver License Restrictions \_\_\_\_\_

Residence Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Telephone Number (Day) \_\_\_\_\_

Mailing Address (if different) \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Telephone Number (Evening) \_\_\_\_\_

Spouse/Domestic Partner Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Name \_\_\_\_\_

Physical Address (if different than applicant) \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Telephone Number \_\_\_\_\_

Applicant Occupation \_\_\_\_\_ Business/Employer Name \_\_\_\_\_

Business/Employer Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Telephone Number \_\_\_\_\_

1. List all previous home addresses for the past five years. Use additional pages if necessary.

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. Have you ever been in a mental institution, treated for mental illness, or been found not-guilty by reason of insanity? If yes, please explain.  YES  NO

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. If yes, please explain.  YES  NO



## STANDARD INITIAL AND RENEWAL APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

### Section 7 - Investigator's Interview Notes - Continued

4. Have you ever been involved in an incident involving firearms? If yes, please explain.

YES  NO

5. Have you ever been involved in a domestic violence incident? If yes, please explain.

YES  NO

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

YES  NO

If the CCW license is desired for self-protection, the protection of others, or for the protection of large sums of money or valuable property, you are required to explain and provide good cause for issuance of the license. For example, has your life or property been threatened or jeopardized? Explain incidents and include dates, times, locations, and names of police agencies to which these incidents were reported.

Details of Reason for Applicant Desiring a CCW license. Use additional pages if necessary.

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**Section 8 - Release of Information and Declaration**

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 declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_ Date

Applicant Signature

\_\_\_\_\_ Date

Witness Signature Badge Number



## CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS FIREARMS PROHIBITING CATEGORIES



**State and federal law make it unlawful for certain persons to own and/or possess firearms, including:**

- Any person who is convicted of a felony, or any offense enumerated in Penal Code sections 29900 or 29905
- Any person who is ordered to not possess firearms as a condition of probation or other court order listed in Penal Code section 29815, subdivisions (a) and (b)
- Any person who is convicted of a misdemeanor listed in Penal Code section 29805 (refer to List of Prohibiting Misdemeanors)
- Any person who is adjudged a ward of the juvenile court because he or she committed an offense listed in Welfare and Institutions Code section 707(b), an offense described in Penal Code section 1203.073(b), or any offense enumerated in Penal Code section 29805
- Any person who is subject to a temporary restraining order or an injunction issued pursuant to Code of Civil Procedure sections 527.6 or 527.8, a protective order as defined in Family Code section 6218, a protective order issued pursuant to Penal Code sections 136.2 or 646.91, or a protective order issued pursuant to Welfare and Institutions Code section 15657.03
- Any person who is found by a court to be a danger to himself, herself, or others because of a mental illness
- Any person who is found by a court to be mentally incompetent to stand trial
- Any person who is found by a court to be not guilty by reason of insanity
- Any person who is adjudicated to be a mentally disordered sex offender
- Any person who is placed on a conservatorship because he or she is gravely disabled as a result of a mental disorder, or an impairment by chronic alcoholism
- Any person who communicates a threat to a licensed psychotherapist against a reasonably identifiable victim, that has been reported by the psychotherapist to law enforcement
- Any person who is taken into custody as a danger to self or others under Welfare and Institutions Code section 5150, assessed under Welfare and Institutions Code section 5151, and admitted to a mental health facility under Welfare and Institutions Code sections 5151, 5152, or certified under Welfare and Institutions Code sections 5250, 5260, and 5270.15
- Any person who is addicted to the use of narcotics (state and federal)
- Any person who is under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year (federal)
- Any person who has been discharged from the military under dishonorable conditions (federal)
- Any person who is an illegal alien (federal)
- Any person who has renounced his or her US Citizenship (federal)
- Any person who is a fugitive from justice (federal)



## CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS FIREARMS PROHIBITING CATEGORIES



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

- Threatening public officers, employees, and school officials (Pen. Code, § 71.)
- Threatening certain public officers, appointees, judges, staff or their families with the intent and apparent ability to carry out the threat (Pen. Code, § 76.)
- Intimidating witnesses or victims (Pen. Code, § 136.1.)
- Possessing a deadly weapon with the intent to intimidate a witness (Pen. Code, § 136.5.)
- Threatening witnesses, victims, or informants (Pen. Code, § 140.)
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer (Pen. Code, § 148(d).)
- Unauthorized possession of a weapon in a courtroom, Courthouse, or court building, or at a public meeting (Pen. Code, § 171(b).)
- Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc. (Pen. Code, § 171(c).)
- Taking into or possessing loaded firearms within the Governor's Mansion or residence of other constitutional officers (Pen. Code, 171(d).)
- Supplying, selling or giving possession of a firearm to a person for participation in criminal street gangs (Pen. Code, § 186.28.)
- Assault (Pen. Code, §§ 240, 241.)
- Battery (Pen. Code, §§ 242, 243.)
- Sexual Battery (Pen. Code, § 243.4)
- Assault with a stun gun or taser weapon (Pen. Code, § 244.5.)
- Assault with a deadly weapon other than a firearm, or with force likely to produce great bodily injury (Pen. Code, § 245.)
- Assault with a deadly weapon or instrument; by any means likely to produce great bodily injury or with a stun gun or taser on a school employee engaged in performance of duties (Pen. Code, § 245.5 .)
- Discharging a firearm in a grossly negligent manner (Pen. Code, § 246.3.)
- Shooting at an unoccupied aircraft, motor vehicle, or uninhabited building or dwelling house (Pen. Code, § 247.)
- Inflicting corporal injury on a spouse or significant other (Pen. Code, § 273.5.)\*
- Wilfully violating a domestic protective order (Pen. Code, § 273.6.)
- Drawing, exhibiting, or using deadly weapon other than a firearm (Pen. Code, § 417, subd. (a)(1) & (a)(2).)
- Inflicting serious bodily injury as a result of brandishing (Pen. Code, § 417.6.)
- Making threats to commit a crime which will result in death or great bodily injury to another person (Pen. Code, § 422.)
- Bringing into or possessing firearms upon or within public schools and grounds (Pen. Code, § 626.9.)
- Stalking (Pen. Code, § 646.9.)
- Armed criminal action (Pen. Code, § 25800.)
- Possessing a deadly weapon with intent to commit an assault (Pen. Code, § 17500.)
- Driver of any vehicle who knowingly permits another person to discharge a firearm from the vehicle or any person who willfully and maliciously discharges a firearm from a motor vehicle (Pen. Code, § 26100, subd. (b) or (d).)
- Criminal possession of a firearm (Pen. Code, § 25300.)
- Firearms dealer who sells, transfers or gives possession of any firearm to a minor or a handgun to a person under 21 (Pen. Code, § 27510.)
- Various violations involving sales and transfers of firearms (Pen. Code, § 27590, subd. (c).)
- Person or corporation who sells any concealable firearm to any minor (former Pen. Code, § 12100, subd. (a).)
- Unauthorized possession/transportation of a machine gun (Pen. Code, § 32625)
- Possession of ammunition designed to penetrate metal or armor (Pen. Code, § 30315.)
- Carrying a concealed or loaded firearm or other deadly weapon or wearing a peace officer uniform while picketing (Pen. Code, §§ 830.95, subd. (a), 17510, subd. (a).)
- Bringing firearm related contraband into juvenile hall (Welf. & Inst. Code, § 871.5.)
- Bringing firearm related contraband into a youth authority institution (Welf. & Inst. Code, § 1001.5.)
- Purchase, possession, or receipt of a firearm or deadly weapon by a person receiving 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 (Welf. & Inst. Code, § 8100.)
- Providing a firearm or deadly weapon to a person described in Welfare and Institutions Code sections 8100 or 8103 (Welf. & Inst. Code, § 8101.)
- Purchase, possession, or receipt of a firearm or deadly weapon by a person who has been adjudicated to be a mentally disordered sex offender or found to be mentally incompetent to stand trial, or not guilty by reason of insanity, and individuals placed under conservatorship (Welf. & Inst. Code, § 8103.)

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

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

\* A "misdemeanor crime of domestic violence" (18 U.S.C. §§ 921(a)(33)(A), 922(g)(9).)

**Note: The Department of Justice provides this document for informational purposes only. This list may not be inclusive of all firearms prohibitions. For specific legal advice, please consult with an attorney licensed to practice law in California.**



### REQUEST FOR LIVE SCAN SERVICE

#### Applicant Submission

CA047000

ORI (Code assigned by DOJ)

STANDARD CCW

Authorized Applicant Type

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - If assigned by DOJ, use exact title assigned)

#### Contributing Agency Information:

SISKIYOU CO SHERIFF

Agency Authorized to Receive Criminal Record Information

03256

Mail Code (five-digit code assigned by DOJ)

305 BUTTE ST

Street Address or P.O. Box

MARY JO CULP

Contact Name (mandatory for all school submissions)

YREKA

City

CA 96097

State ZIP Code

(530) 842-8317

Contact Telephone Number

#### Applicant Information:

Last Name

First Name

Middle Initial

Suffix

Other Name

(AKA or Alias) Last

First

Suffix

Date of Birth

Sex  Male  Female

Driver's License Number

Height

Weight

Eye Color

Hair Color

Billing Number

(Agency Billing Number)

Place of Birth (State or Country)

Social Security Number

Misc. Number

(Other Identification Number)

Home

Address Street Address or P.O. Box

City

State

ZIP Code

Your Number:

OCA Number (Agency Identifying Number)

Level of Service:

DOJ

FBI

If re-submission, list original ATI number:  
(Must provide proof of rejection)

Original ATI Number

Employer (Additional response for agencies specified by statute):

Employer Name

Mail Code (five digit code assigned by DOJ)

Street Address or P.O. Box

City

State

ZIP Code

Telephone Number (optional)

Live Scan Transaction Completed By:

Name of Operator

Date

Transmitting Agency

LSID

ATI Number

Amount Collected/Billed

# CONCEALED WEAPON PERMIT RESTRICTIONS AND CONDITIONS AGREEMENT

The following are restrictions and conditions that must be acknowledged and agreed to by the applicant prior to the processing of the Concealed Weapon Permit application.

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 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 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 any concealed weapon not listed on the permit.
- Carry a concealed weapon at times or circumstances other than those specified in the permit.

Any violation of these restrictions or conditions invalidates said Concealed Weapon Permit and voids any further use of said permit until reinstated by the Chief of Police. Any arrest for a felony or serious misdemeanor, including driving under the influence of alcohol and/or drugs, is cause for invalidating said permit.

I, **THE UNDERSIGNED APPLICANT, HEREBY CERTIFY** that I have read **the** foregoing restrictions and conditions listed on this page and agree to abide by them if issued a Concealed Weapon Permit. I also acknowledge that I have received a copy of the Restrictions and Conditions for personal reference.

Sign: \_\_\_\_\_ Date: \_\_\_\_\_

If any section, sub-section, sentence, paragraph, clause, phrase, or portion of this policy/procedure is for any reason, held to be unconstitutional or invalid by a decision of any court, such decision shall not affect the remaining portions of the policy/procedure.

**CONCEALED WEAPONS REGULATIONS**  
**FEDERAL AVIATION REG: 121.583**

U.S . GOVERNMENT CODE - TITLE 49, CHAPTER 26, SECTION 1472(1)

A Concealed Weapon License 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 either local or Federal authorities or both.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

SISKIYOU COUNTY SHERIFF'S DEPARTMENT  
CCW LICENSE PROCEDURE  
CERTIFICATION OF MEDICAL AND PSYCHOLOGICAL FITNESS

APPLICANTS NAME: \_\_\_\_\_

I hereby certify that to my knowledge, I am medically and psychologically fit to be issued a License to Carry a Concealed Weapon by the Siskiyou County Sheriff's Department. Any physical or mental limitations I may have are listed as follows:

No limitations

Limitations as follows:

List any medications you are currently taking **including medicinal or recreational marijuana.**

I hereby certify that the information provided above is complete & correct.

\_\_\_\_\_  
Applicant Dated

Applicant's Physician name; \_\_\_\_\_ Ph. Number \_\_\_\_\_

**Certification & Release of Information**

I understand that the Siskiyou Co. Sheriff's Dept. retains the right to request a physician's examination and certification, at no expense to Siskiyou County, if deemed to be necessary. I hereby give permission to the Siskiyou Co. Sheriff's Dept. to contact any person, Physician, agency or institution to release or confirm information about me. Additionally, I understand that listing any known limitations, does not automatically reject my application request. Furthermore, I understand that the failure to honestly complete this form, may result in the rejection of my CCW application.

Signature \_\_\_\_\_

Dated \_\_\_\_\_



SISKIYOU COUNTY SHERIFF'S DEPARTMENT

HOLD HARMLESS AND IDEMNIFICATION AGREEMENT

As a condition of receiving a license to carry a concealable firearm from the Siskiyou Co. Sheriff's Department, I, \_\_\_\_\_,  
Agree to hold Siskiyou County, its officers and employees including the Siskiyou Co. Sheriff's Department and the Sheriff and his agents, harmless from and to indemnify them against any and all liabilities including judgments, costs and attorney's fees that may occur as the result of my possession and/or use of the concealable firearm(s) named on the license, issued to me by the Siskiyou County Sheriff's Department.

Licensee agrees that by accepting the Permit to Carry A Concealed Weapon, he/she will hold harmless the County of Siskiyou, Siskiyou County sheriff's Department and any and all officers or employees thereof from any claim, suit, or judgment arising in any way to of the exercise of the right granted by any Concealed Weapon Permit issued to this applicant.  
(Government code 818.4)

Signed \_\_\_\_\_

Dated \_\_\_\_\_

**SISKIYOU COUNTY SHERIFF'S DEPARTMENT  
CALIFORNIA CONCEALED WEAPONS PERMIT  
AMMUNITION DECLARATION**

Name: (printed): \_\_\_\_\_

Local #: \_\_\_\_\_

Ammunition to be used in weapon(s) listed on permit:

Weapon #1

1. Manufacturer: \_\_\_\_\_

2. Bullet Weight: \_\_\_\_\_

3. Bullet Design: circle one (Hollow Point) Semi-Wadcutter)  
(Soft Point) (Full Metal Jacket) (Round Nose)

Weapon #2

1. Manufacturer: \_\_\_\_\_

2. Bullet Weight: \_\_\_\_\_

3. Bullet Design: circle one (Hollow Point) Semi-Wadcutter)  
(Soft Point) (Full Metal Jacket) (Round Nose)

Weapon #3

1. Manufacturer: \_\_\_\_\_

2. Bullet Weight: \_\_\_\_\_

3. Bullet Design: circle one (Hollow Point) Semi-Wadcutter)  
(Soft Point) (Full Metal Jacket) (Round Nose)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**LIST OF CCW CLASS INSTRUCTORS**

RICK DERUYTER-MT SHASTA	524-7594	DISTINGUISHED FIREARMS
JOHN LAWS-FRENCH GULCH	510-7118	FRENCH GULCH
KIRK REINSCHMIDT-MODOC CO	279-2395	MODOC CO.
DAVID THOMPSON-SHASTA LAKE	524-0608	SHASTA LAKE FIREARMS
JOEL NORTHRUP-REDDING	244-2190	FIREARMS ACADEMY OF REDDING
ANDREW HACKETT/JOHN PANGER/ MIKE RYNEARSON	241-6486	NICE SHOT SHOOTING RANGE
MARSHALL JONES-REDDING	222-3223	JONES FORT
NATHAN ZELIFF-SHINGLETOWN	474-3267	SHASTA DEFENSE
CHRISTOPHER EWENS	235-0721	BULLS EYE TACTICAL FIREARMS TRAIN
TONY ROSS-TULELAKE	667-5284	TULELAKE
WALT BULLINGTON-MT SHASTA	926-4848	MT SHASTA
CURREY FIREARMS TRAINING	917-5060	REDDING
TED LIDEY	999-1822	NORTHERN FIREARMS INSTRUCTION
MACGUIRE TACTICAL CONS.	598-5020	JAMES MACGUIRE
SETH STOKES	917-2500	1 <sup>ST</sup> TACTICAL DEFENSE
ERIC FORSBERG/WALT BULLINGTON	567-5094	ECHO WHISKEY TRAINING LLC
JAMES OSTERBERG	905-2515	HIGH MOUNTAIN DEFENSE
EVAN MACIVOR-WEED	938-9995	WEED, CA

Updated: June 20, 2019



### REQUEST FOR LIVE SCAN SERVICE

#### Applicant Submission

CA047000

ORI (Code assigned by DOJ)

STANDARD CCW

Authorized Applicant Type

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - If assigned by DOJ, use exact title assigned)

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Street Address or P.O. Box

MARY JO CULP

Contact Name (mandatory for all school submissions)

YREKA

City

CA 96097

State ZIP Code

(530) 842-8317

Contact Telephone Number

#### Applicant Information:

Last Name

First Name

Middle Initial

Suffix

Other Name

(AKA or Alias) Last

First

Suffix

Date of Birth

Sex  Male  Female

Driver's License Number

Height

Weight

Eye Color

Hair Color

Billing Number

(Agency Billing Number)

Place of Birth (State or Country)

Social Security Number

Misc. Number

(Other Identification Number)

Home

Address Street Address or P.O. Box

City

State

ZIP Code

Your Number:

OCA Number (Agency Identifying Number)

Level of Service:

DOJ

FBI

If re-submission, list original ATI number:  
(Must provide proof of rejection)

Original ATI Number

Employer (Additional response for agencies specified by statute):

Employer Name

Mail Code (five digit code assigned by DOJ)

Street Address or P.O. Box

City

State

ZIP Code

Telephone Number (optional)

Live Scan Transaction Completed By:

Name of Operator

Date

Transmitting Agency

LSID

ATI Number

Amount Collected/Billed



**SISKIYOU COUNTY**  
**Office of the Sheriff**

Jon E Lopey  
Sheriff  
305 Butte St, Yreka, CA 96097

**Siskiyou County Sheriff's Office**  
**Firearms Qualification Course for**  
**CCW Applicants**

Applicants Name: \_\_\_\_\_ Date: \_\_\_\_\_

(Please print)

**Applicant is limited to 3 "reputable" guns of .22, .380 cal. or larger weapon(s).**

No. 1 Make \_\_\_\_\_ Cal. \_\_\_\_\_ Model \_\_\_\_\_ Serial No. \_\_\_\_\_

No. 2 Make \_\_\_\_\_ Cal. \_\_\_\_\_ Model \_\_\_\_\_ Serial No. \_\_\_\_\_

No.3 Make \_\_\_\_\_ Cal. \_\_\_\_\_ Model \_\_\_\_\_ Serial No. \_\_\_\_\_

**Target:** B-27 PRO-G silhouette or equivalent.

**Qualification:** 80%-16/20 shots within the 9 ring (line counts).

**Course of fire:** Static course at the 7 yard line, 4 volleys, 20 rounds total, no time limit.

**Reload between stages (if necessary).** Shoot the entire course strong-hand supported.

**First volley** 5 rounds, scan & re-holster

**Second volley** 5 rounds, scan & re-holster

**Third volley** 5 rounds, scan & re-holster

**Fourth volley** 5 rounds, scan & re-holster

**Firearm No. 1** SCORE \_\_\_\_\_ / \_\_\_\_\_ PASS \_\_\_ FAIL \_\_\_\_\_

**Firearm No. 2** SCORE \_\_\_\_\_ / \_\_\_\_\_ PASS \_\_\_ FAIL \_\_\_\_\_

**Firearm No. 3** SCORE \_\_\_\_\_ / \_\_\_\_\_ PASS \_\_\_ FAIL \_\_\_\_\_

APPLICANT'S SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

Certified Firearm Instructor Name: \_\_\_\_\_

Certified Firearm Instructor Signature: \_\_\_\_\_

*County of*  
**SISKIYOU**  
*California*

How Can We Help You?

## **Sheriff's Office**

# Concealed Carry Weapon Permits (CCW)

### New Applicants

All New Applicants are done by appointment only. The Sheriff's Office hours for appointments are on Tuesdays from 9:00 am until 12:00 pm

**To make an appointment for a new CCW License please call  
(530) 842-8386 or (530) 842-8317**

**PLEASE FILL OUT ALL PAGES OF THE APPLICATION  
COMPLETELY BEFORE TURNING IN TO THE SHERIFF'S OFFICE**

### Renewals









If you are applying for a RENEWAL of a Concealed Carry Weapon License in Siskiyou County, you may not apply until **30 days** before the expiration date listed on your current Concealed Carry Weapon License.

**PLEASE NOTE:** You must call 530-842-8317 for an appointment to renew your CCW after you have taken your four hour renewal class.

### Policy and Forms

All pertinent documents and necessary forms are found in Supporting Documents below.

## Supporting Documents

- 
-  Siskiyou County Sheriff CCW Policy (376 KB)
- 
-  CCW Criteria and Requirements for Application (90 KB)
- 
-  CCW - Process and Fees (8 KB)
- 
-  CCW Renewal Application Form (107 KB)
- 
-  CCW New Applicant Packet (286 KB)
- 
-  CCW Firearms Qualifications Course Applicant's Form (96 KB)
- 
-  CCW Instructor List (81 KB)
- 
-  CCW Livescan Fingerprinting Form for Applicants (87 KB)
- 

## Contact Information

Jon Lopey, Sheriff

Karl G. Houtman, Captain

Mon. - Thurs. 9:00 am - noon; 1:00 - 4:00 pm Fri--Closed to the public

Sheriff Main Office

305 Butte Street

Yreka, CA 96097

Phone: 530-842-8300

Administration: 530-842-8301

Civil: 530-842-8317

Dispatch: 530-841-2900

**Emergencies: DIAL 911**

[View Full Contact Details](#) >

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## Siskiyou County Office of the Sheriff

Jon E Lopey  
Sheriff

### **Concealed Weapon Permit Application Process**

#### **CRITERIA FOR APPLYING FOR A CCW PERMIT IN SISKIYOU COUNTY**

- Must be 21 Years of age & a FULL TIME RESIDENT (no exceptions) of Siskiyou County for at least 6 months.
- No felony or serious misdemeanor arrests/convictions.
- No history of mental illness, or currently under treatment/counseling for mental or emotional problems.
- No arrest for any crime. Involvement in any situation in which, in the opinion of the Sheriff's Office, indicates an individual is not suited for a CCW permit.
- No affiliation with criminal groups or gangs.
- No use of illegal substances.
- If the Sheriff's Office requests any additional documentation or information in order to complete the interview process of a CCW permit application, it will be the responsibility of the applicant to supply that data to the Sheriff's Office.
- If you are currently a defendant/respondent named within and subject to a current temporary restraining order/protection order/order after hearing, you may not apply for a CCW permit until these court orders are fully expired. Defined in section 621 of the Family Code & 527.6 or 527.8 of the Code of Civil Procedure.
- No current use of medical or recreational marijuana products

#### **COMPLETING THE CCW PERMIT APPLICATION**

- You can pick up an application for Concealed Weapon Permit at the Siskiyou County Sheriff's Office, between 9am and 4pm Monday through Thursday.
- Read & fill out the application completely (LEAVE NO BLANKS).
- Sign and date the applicant lines on pages 3,8 and 11

\*\*Effective Jan. 1<sup>st</sup>, 2018, the Siskiyou Co Sheriff's Office requires all New CCW applicants and current permit holders to make an appointment for your livescan and renewal process.

# INSTRUCTION FOR CCW PERMIT APPLICATION

1. Nonrefundable fee is: \$193.00, standard permit. (2 years)  
\$220.00, judges ccw. (3 years)  
\$242.00, reserve peace officers. (4 years)  
\$176.00, employment permit. (90 days)
2. All weapons listed on CCW must be inspected and signed off by the class instructor. Make sure they are unloaded.
3. Fingerprints will be taken only on Tuesdays from 9:00 am to 2:00 pm, call for appointment 842-8173. Bring attached Livescan form when you get fingerprinted.
4. You must take the “CCW initial 8-hour training” class. You can call us at 842-8317 for a list of approved instructors.
5. You must have a valid reason why you would want a concealed weapons permit.
6. You must be 21 years of age and a full-time resident (no exceptions) of Siskiyou county at least 6 months, and live outside of the city limits, or within a city that contracts with the sheriff’s office for law enforcement services to obtain a permit from the sheriff’s dept.
7. Applicant-please fill out & sign all sections before turning in your application with your letters & class certificate.
8. You must have 3 letters from friends that you have known for 5 years or more.
9. Show a photo i.d. (current driver’s license or i.d. card.)

An unsigned or otherwise incomplete application will result in a delay in processing.

Processing takes approximately 8-12 weeks. If you have any questions, please call 842-8386 or 842-8317

## License to Carry a Firearm

### 218.1 PURPOSE AND SCOPE

The Sheriff is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

#### 218.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police department from entering into an agreement with the Sheriff of the county to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26155(c)).

### 218.2 POLICY

The Siskiyou County Sheriff's Office will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

### 218.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must meet certain requirements, including:

- (a) Be a resident of the County of Siskiyou (Penal Code § 26150; Penal Code § 26155).
- (b) Be at least 21 years of age (Penal Code § 29610).
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.
- (e) Be of good moral character (Penal Code § 26150; Penal Code § 26155). The applicant shall provide at least three letters of character reference.
- (f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).
- (g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (h) Provide proof of ownership or registration of any firearm to be licensed.
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training (Penal Code § 26165).

### 218.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

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*License to Carry a Firearm*

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**218.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)**

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
  - 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
  - 2. If an incomplete application package is received, the Sheriff or authorized designee may do any of the following:
    - (a) Require the applicant to complete the package before any further processing.
    - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
    - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the County of Siskiyou for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).
  - 1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
  - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
  - 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).
- (d) The applicant shall submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Once the Sheriff or authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

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### *License to Carry a Firearm*

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In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

#### **218.4.2 PHASE TWO**

This phase is to be completed only by those applicants successfully completing phase one.

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Sheriff or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.
  1. The determination of good cause should consider the totality of circumstances in each individual case.
  2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
  3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).
- (b) The Sheriff may, based upon criteria established by the Sheriff, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the agency, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).
- (d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other departmentally authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Rangemaster, or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Sheriff or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ,

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### *License to Carry a Firearm*

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whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

#### **218.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM**

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing .

An individual who is not a resident of the county but who otherwise successfully completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the County of Siskiyou (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

#### **218.6 ISSUED FIREARMS PERMITS**

In the event a license to carry a firearm is issued by the Sheriff, the following shall apply:

- (a) The license will not be valid outside the state of California.
- (b) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.
  1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
  2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (c) The license shall bear an expiration date, list the type of firearm(s), with restrictions and other pertinent information clearly visible.
  1. Each license shall be numbered and clearly identify the licensee.
  2. All licenses shall be subjected to inspection by the Sheriff or any law enforcement officer.
- (d) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
  1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
  2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in



### *License to Carry a Firearm*

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Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

- (e) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (f) The licensee shall notify this department in writing within 10 days of any change of place of residency.

#### **218.6.1 LICENSE RESTRICTIONS**

- (a) The Sheriff may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
  - 1. Consuming any alcoholic beverage while armed.
  - 2. Falsely representing him/herself as a peace officer.
  - 3. Unjustified or unreasonable displaying of a firearm.
  - 4. Committing any crime.
  - 5. Being under the influence of any medication or drug while armed.
  - 6. Interfering with any law enforcement officer's duties.
  - 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
  - 8. Loading the permitted firearm with illegal ammunition.
- (b) The Sheriff reserves the right to inspect any license or licensed firearm at any time.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

#### **218.6.2 AMENDMENTS TO LICENSES**

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to (Penal Code § 26215):

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change restrictions or conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Sheriff, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

#### **218.6.3 REVOCATION OF LICENSES**

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

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### *License to Carry a Firearm*

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- (a) The licensee has violated any of the restrictions or conditions placed upon the license.
- (b) The licensee becomes psychologically unsuitable to carry a firearm.
- (c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.
- (d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.
- (e) If the license is one to carry loaded and exposed, the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

The issuance of a license by the Sheriff shall not entitle the holder to either a property or liberty interest as the issuance, amendment or revocation of such license remains exclusively within the discretion of the Sheriff as set forth herein.

If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

#### **218.6.4 LICENSE RENEWAL**

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Sheriff for a renewal by:

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).
- (c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying a non-refundable renewal application fee.

Once the Sheriff or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

#### **218.7 DEPARTMENT REPORTING AND RECORDS**

Pursuant to Penal Code § 26225, the Sheriff shall maintain a record of the following and immediately provide copies of each to the California DOJ:

- (a) The denial of a license
- (b) The denial of an amendment to a license
- (c) The issuance of a license
- (d) The amendment of a license



*License to Carry a Firearm*

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- (e) The revocation of a license

The Sheriff shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

**218.8 CONFIDENTIAL RECORDS**

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, commissioner or judge contained in an application or license shall not be considered public record (Government Code § 6254(u)(2)).

Any information in an application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

*County of*  
**SISKIYOU**  
*California*

How Can We Help You?

## **Sheriff's Office**

# Sheriff's Office

### Our Mission

We, the members of the Siskiyou County Sheriff's Department, are committed to providing competent, effective, and responsive public safety services to the citizens of Siskiyou County and visitors to our community; recognizing our responsibility to maintain order while affording dignity and respect to all persons and holding ourselves to the highest standards of professional and ethical conduct.

### Our Vision

Our vision is to enhance our status as a quality public safety agency, valued by our community and respected by our peers. As such, we will be recognized as an inclusive institution in which everyone is encouraged to contribute their energies, talents and skills to create strategies to meet new challenges and achieve our mission.


## **Supporting Documents**

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 Rural Crime & Animal Cruelty Task Force - Creation (33 KB)

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[Case 2:19-cv-00617-KJM-AC](#) [Document 14-3](#) [Filed 07/08/19](#) [Page 59 of 61](#)

 [Legalization of Marijuana in Colorado, the Impact: Youth & Adult Usage - January 2016 \(551 KB\)](#)

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 [Response to Denver Post article re Marijuana and Colorado Youth \(374 KB\)](#)

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 [Jon Lopey Project Paper - Colorado's Decriminalization of Marijuana: A Forecast for Justice System Administrators \(234 KB\)](#)

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## Web Links

[In Custody Information](#)

[Meagan's Law](#)

[Report an Internet Crime](#)

[Microsoft Online Safety Resources](#)

[Project Child Safe](#)

[Californiat OES](#)

[California Highway Patrol](#)

[California Department of Fish and Game](#)

[Etna Police](#)

[Mount Shasta Police](#)

[Weed Police](#)

[Yreka Police](#)

[Stop Driving Drowsy Tips](#)

## Contact Information

Jon Lopey, Sheriff

Karl G. Houtman, Captain

Mon. - Thurs. 9:00 am - noon; 1:00 - 4:00 pm Fri--Closed to the public

Sheriff Main Office

305 Butte Street

Yreka, CA 96097

Phone: 530-842-8300

Administration: 530-842-8301

Civil: 530-842-8317

Dispatch: 530-841-2900

**Emergencies: DIAL 911**

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**XAVIER BECERRA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**

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Public: (916) 445-9555  
Telephone: (916) 210-6183  
E-Mail: PublicRecords@doj.ca.gov

February 21, 2019

***Via email to:***

Mark A. Baird  
mcbair@icloud.com

RE: Your Recent Public Records Act Request Dated January 29, 2019; No. 2019-00207

Dear Mr. Baird:

This letter is in response to your recent correspondence, which was received by the Public Records Unit of the California Department of Justice on January 29, 2019. You have requested information pursuant to the California Public Records Act, found in California Government Code section 6250 et seq.

Specifically, you stated:

*I would like to know how many open carry permits, Ca Penal Code sec 26150[, subd. (b)(2)], have been issued since 2012.*

We checked with knowledgeable persons and searched logical places, and we did not identify any documents responsive to this request. Penal Code section 26150, subdivision (b)(2), authorizes county sheriffs to issue open carry permits when the population of a county is less than 200,000. Because the Department is not the issuing authority for open carry permits, and because the information the Department has is only as reliable as to what is reported to it by local agencies, it does not maintain any statistical data regarding the number of open carry permits issued by local law enforcement agencies under the cited Penal Code provision. The Department advises you to contact local law enforcement agencies in counties with populations under 200,000 for this information.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Baird", enclosed in a circular scribble.

Public Records Coordinator

For **XAVIER BECERRA**  
**Attorney General**