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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
RICHARD GALLARDO
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 RICHARD GALLARDO

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

8 2. I am over the age of 18 and a resident of Shasta 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 3. Shasta County has a population of less than 200,000 people. The residents of
13 Shasta County are eligible to apply for an open carry firearm license under California's statutory
14 firearms licensing scheme under Penal Codes §26150, §26155.
15

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

18 5. It is my intention to carry a firearm exposed and on my person for self-defense
19 outside of my home, loaded or unloaded, in Shasta County and throughout every county in the
20 State of California [excluding sensitive places such as schools and government buildings].
21

22 6. I intend to exercise my right to open carry in Shasta County and throughout
23 California with or without an open carry license, which will subject me to criminal penalties
24 including incarceration and fines. See, Penal Codes §26350, §25850.

25 7. The right to bear arms in public for self-defense, including the open carriage of
26 firearms, is a preexisting fundamental right protected by the Second Amendment. As such, the
27 government cannot interfere with, infringe, or prevent me from exercising my right to open carry.
28

1 8. Penal Codes §26150 and §26155 require that an applicant for an open carry license
2 establish “good cause” as a condition precedent to the issuance of an open carry license.

3 9. Requiring me to demonstrate “good cause” as a condition precedent to the
4 issuance of an open carry license violates my preexisting right to bear arms for self-defense, as
5 protected by the Second Amendment. As open carry is a preexisting right, I should not have to
6 establish “good cause” or provide the government with any reason in order to exercise my right to
7 open carry.

8 10. Under Penal Codes §26150 and §26155, an open carry license can only be issued
9 to residents of counties with a population under 200,000, applications for an open carry license
10 can only be made in such counties, and an open carry license is only valid in the county of
11 issuance.

12 11. Because an open carry license is only valid in the county of issuance, an individual
13 who has been issued an open carry license and desires to travel to any other county in California,
14 must choose between his preexisting right to self-defense in public and being subject to criminal
15 prosecution under Penal Codes §26350 and §25850. If an open carry licensee carries his firearm
16 exposed into another county in California, irrespective of population size, he is subject to criminal
17 prosecution under §26350 and §25850, including incarceration and fines.

18 12. Because my right to bear arms for self-defense in public is indelibly attached to
19 me, the government cannot prevent me from exercising that right throughout every county in the
20 State of California [excluding sensitive places such as schools and government buildings].

21 13. On more than one occasion, I have applied to Shasta County Sheriff Tom Bosenko
22 (“Sheriff Bosenko”) for an open carry license; each application has been denied. The Shasta
23 County Sheriff’s Office explained to me, “We don’t offer a license to carry loaded and exposed in
24 Shasta County. This type of license is only good in the county issued and we would have to
25
26
27
28

1 extend this option to all permit holders.”

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

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

14 16. There is no administrative appeal process available for challenging Sheriff
15 Bosenko’s denial of my applications for an open carry license. Even if there were an
16 administrative appeal process available, such ‘process’ would be futile because Sheriff Bosenko
17 has stated publicly that he *will not issue any* “open carry” licenses.

18 17. Upon information and belief, Sheriff Bosenko has not issued any open carry
19 firearm licenses during his tenure as Sheriff of Shasta County. This belief is borne out through
20 Sheriff Bosenko’s public declaration that he will never issue an open carry firearm license
21 because the open carriage of firearms in Shasta county would cause a lot of angst, fear, and
22 concern for his deputies.
23

24 18. Sheriff Bosenko stated publicly that, to his knowledge based on his regular
25 meetings with the Sheriffs around the State, none of the Sheriffs serving in 26150(b)(2) counties
26 in California have ever issued “open carry” pistol licenses. Upon information and belief, Sheriff
27 Bosenko and all other Sheriffs in the State of California are refusing to issue open carry firearm
28

1 licenses at the direction of and/or with the knowledge and approval of defendant Becerra.

2 19. I would apply for an open carry license in a county other than Shasta County, but
3 am prohibited from doing so by California Penal Code §26150 and/or §26155, which require
4 open carry license applications be made in the applicants' county of residence. I do not have a
5 residence in any other county and am therefore ineligible under §26150 and/or §26155 to apply
6 for an open carry license in any other county in California.
7

8 20. Even if I were issued an open carry license by Sheriff Bosenko, §26150 and
9 §26155 render open carry licenses invalid outside of the county of issuance. It is my intention to
10 exercise my Second Amendment right to open carry within Shasta County and throughout the
11 State of California, with or without an open carry license, as I am a law-abiding citizen with good
12 moral character, I have no state or federal prohibitors to the possession of firearms, I have
13 completed the requisite training under the statutes, and open carry in public for self-protection is a
14 core fundamental right protected by the Second Amendment. By carrying a firearm exposed for
15 self-protection within or outside of Shasta County, loaded or unloaded, I will be subjected to
16 criminal penalties including incarceration and fines under Penal Codes §25850 and/or §26350).
17

18 21. Openly carrying my firearm within Shasta County exposes me to criminal
19 penalties because Sheriff Bosenko will not issue open carry licenses, and neither the Shasta
20 County Sheriff nor the DOJ have a procedure to apply for an open carry license.
21

22 22. None of the documents provided to the public by the Shasta County Sheriff's
23 Office provide a procedure for applying for an open carry license. Copies of the following
24 documents provided by the Shasta County Sheriff's Office are attached hereto: Shasta County
25 Sheriff's Office CCW Page, "Sheriff's Office CCW Policy", "CCW application", CCW
26 Qualification Information", "CCW Renewal Form", "Criteria and Requirements", "Permit
27 Application Process", "Process and Fees", CCW Instructor List", and "Personal Firearms
28

1 Record”.

2 23. The application for a carry license provided by the Shasta County Sheriff indicates
3 that it was created by the DOJ and is entitled, “Standard Application for CCW License”. (see
4 attached DOJ CCW Application). Under the section, “Format of CCW License”, the DOJ form
5 confusingly indicates that a ‘concealed carry weapon license’ to carry ‘loaded and exposed’ is
6 available to applicants living in a county having less than 200,000 people. An open carry license
7 is not a ‘type’ of concealed carry license. The DOJ application itself is titled as an application for
8 a “License to Carry a *Concealed* Weapon (CCW)”. An application to carry a concealed weapon is
9 not, by definition, an application to carry a weapon exposed. Every page of the Shasta County
10 application, and all attachments thereto, contain the heading “State of California, Department of
11 Justice, Standard Application for CCW License”. Nowhere in the DOJ CCW application,
12 administered by the Shasta County Sheriff’s Office, provides the applicant with the ability,
13 instructions, or guidance, to apply for an “open carry” license. The concealed carry license
14 application is the only application provided by the Shasta County Sheriff’s Office. There is no
15 open carry license application available.
16
17

18 24. My right to open carry, loaded or unloaded, whether inside or outside of Shasta
19 County has been, and continues to be, infringed and violated by Penal Codes §26150, §26350,
20 and §25850 and defendant Becerra, who enforces and directs the enforcement of such statutes and
21 unconstitutional policies.
22

23 25. If I am ultimately issued an open carry license, such right will only exist within
24 Shasta County because of the geographical limitations of Penal Code §26150. If I exercise the
25 right to open carry outside of Shasta County, whether loaded or unloaded, I will risk criminal
26 prosecution, incarceration and fines under Penal Codes §25850, §26350.
27

1 26. I intend to exercise my Second Amendment right to open carry in Shasta County
2 and throughout the State of California, with or without an open carry license, as I am a law-
3 abiding citizen, with no state or federal prohibitors to the possession of firearms, which will
4 subject me to criminal prosecution including incarceration and fines under §26350 and §25850.
5

6 27. Because of the “may issue” provisions, the “good cause” requirements, and the
7 geographical restrictions related to open carry licenses under of §26150, as well as the risk of
8 criminal prosecution under Penal Codes §26350 and §25850 by exercising my right to open carry,
9 I am irreparably harmed by the ongoing deprivation of my preexisting right to open carry, loaded
10 or unloaded, as protected by the Second Amendment.

11 28. Because of defendant Becerra’s *de facto* elimination of the right to open carry, as
12 borne out through the DOJ licensing application provided to the Shasta County Sheriff’s Office,
13 which only permit the filing of applications for a concealed carry/CCW license, not open carry
14 licenses, I am irreparably harmed by the ongoing deprivation of my preexisting right to open
15 carry, loaded or unloaded, the exercise of which would subject me to criminal prosecution under
16 Penal Codes §26350 and §25850.
17

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

20 Dated: July 8, 2019



21
22 Richard Gallardo



SHASTA COUNTY

Office of the Sheriff



Tom Bosenko
SHERIFF - CORONER

Concealed Weapon Permit Application Process

Completing the CCW Permit Application:

- You can pick up an application for Concealed Weapons Permit at the Shasta County Sheriff's Office, Records Unit between 8:00 a.m. and 5:00 p.m. Monday through Friday OR Visit the Shasta County Sheriff's Office website at http://www.co.shasta.ca.us/index/sheriff_index.aspx. From the home page, click on the CCW APPLICATION New and Renewal link.
- Read and fill out the application completely (LEAVE NO BLANKS).
- Sign and date the applicant lines on pages 3, 8 and 11

What to bring with your application:

- A valid identification card that contains your photograph.
- A utility bill/statement or other documents showing permanent residency within Shasta County (no PO boxes).
- The original certificate(s) documenting your completion of the State of California required firearms safety course (12 to 16 hours for the first time applicants and 4 hours for renewing applicants).
- Firearm qualification form (if applicable).

****Certificates must be less than 60 days old upon date of submission of your CCW application****

- A PC 832 certificate is acceptable (No more than 2 years old).
- Military Veterans bring your DD214 form (Discharge document).
- The firearm(s) you want listed on your permit, up to three (5)

***** Firearm(s) must be UNLOADED, magazines removed (No ammunition can be attached to the firearm) and in a locked box or gun case *****

If you have any questions regarding the CCW Permit application process, please contact the Shasta County Sheriff's Office at 530-245-6025

CCW Info

Home > Sheriff's Office > CCW Info

****New CCW information for 2019****

Each CCW license holder is mandated by California state law to attend a firearms safety class. Individuals are also required to qualify with their weapon(s) under the direction of a qualified instructor to ensure that each license holder is competent in the safe handling of firearms. The CCW holder must qualify with all weapons listed on their CCW permit. The weapons shall be the product of a recognized manufacturer, free from mechanical and other flaws, within tolerances determined by manufacturer's specifications, and in good working order. We allow modification to enhance sighting such as laser sights and or night sights. This includes modifications to grips. We do not allow modifications to the weapons that would alter it from the manufacturer's original settings. You will find a copy of the firearms qualification course on the main page of this web site.

There is a maximum of five (5) weapons allowed on a CCW permit.

PLEASE FILL OUT ALL PAGES OF THE APPLICATION COMPLETELY

Please fill out the CCW application completely (including pages 6, 7, and 8) before submitting to the Sheriff's Office.

If you are applying for a RENEWAL of a Concealed Carry Weapon Licence in Shasta County, you may apply up to 60 days before the expiration date listed on your current Concealed Carry Weapon license.

[Sheriff's Office CCW Policy](#)

[CCW Application](#) **FOR NEW CCW's ONLY**

[QUALIFICATION INFORMATION 2019 FOR NEW AND RENEWAL](#)

[CCW RENEWAL FORM](#) (Please use Internet Explorer to open)

[Criteria and Requirements](#)

[Permit Application Process](#)

[Process and Fees](#) Total amount due at time of application \$105 = \$93 state fees and \$12 local fees. This amount is NON-REFUNDABLE in the event you are denied the permit. The remaining amount due - \$48, will be collected upon issuance of the Concealed Carry Weapon license.

[CCW Instructor List](#)

[Personal Firearms Record](#)



SHASTA COUNTY

Office of the Sheriff



Tom Bosenko
SHERIFF - CORONER

Criteria & Requirements

Requirements:

Under the penal code, the Sheriff of the County has authority to issue a state of California permit to carry a weapon concealed. Some law enforcement agencies have virtually ceased issuing Concealed Weapon Permits. As the Sheriff of Shasta County, I do not intend to do that; however, State law requires new CCW applicants to obtain a certificate of completion from one of the listed firearms safety courses prior to proceeding further with the application process.

General Information:

Each new CCW applicant must demonstrate proof of residency. This can be satisfied in the form of a valid California Driver's license and utility (electric/gas) receipts in the applicant's name with the physical address shown (No PO Boxes). Originals of these and other documents must be present during interview.

Criteria for applying for a CCW permit in Shasta County:

- Must be 21 years of age or older.
- Must be a permanent resident of Shasta County.
- If applicant served in the Armed Forces of the United States, they must provide a copy of military records/discharge form (DD214) at the time of initial interview.
- You must bring the firearms you intend to put on your CCW permit to the Sheriff's Office,

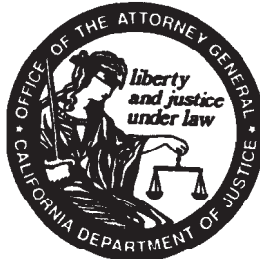
UNLOADED, magazines removed (No ammunition can be attached to the firearm) and placed in a lock box or locked gun case.

Criteria for applying for a CCW permit in Shasta County, cont:

- 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 and 527.6 or 527.8 of the Code of Civil Procedure.

California Department of Justice



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

***DISREGARD PRINTED INSTRUCTIONS FILL OUT APPLICATION
COMPLETELY LEAVE NO BLANKS*****

- HAVE LOCKS THROUGH GUNS WHEN BRINGING THEM IN FOR YOUR INTERVIEW
- TURN IN ALL 13 PAGES AND PLEASE DO NOT COPY FRONT TO BACK
- PLEASE PROVIDE A VALID EMAIL ADDRESS BELOW

Email: _____

NOTE: *Initial fee of \$105.00 is non-refundable*****
\$93.00 is State & Federal fees
\$12.00 is our local fee

AGENCY USE ONLY - DO NOT WRITE BELOW THIS LINE

- ** CURRENT UTILITY BILL
- 12 HR GUN CLASS CERT
- 4 HR REFRESHER CERT
- QUALIFICATION FORM
- DD214
- COPY OF CDL
- FIREARMS

**Bill should be in applicant's name, or a note on the bill by utility holder, stating applicant's residency at the address.

NOTES: _____

COMPLETE _____
 REVIEWER'S INITIALS

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

Authority

California Penal Code (PC) 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 city and county may issue a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person (CCW license). PC section 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 PC section 26150 and 26155 (a sheriff or head of a municipal police department) may issue a license to persons who are of good moral character, who have completed a course of training, and where good cause exists for issuance of the CCW license. **All applicants for a CCW will be fingerprinted and** state and federal records will be checked to determine if they are in a prohibiting class. Attachments 1, 2 and 3 (following page 14 of this application) list all categories that would cause a person to be in a class prohibiting them from possessing firearms and being granted a CCW license. These attachments are updated annually to reflect new legislation and other changes in the law.

Format of CCW License

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

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

Training Required

PC section 26150 and 26155 specifies that new license applicants must complete a course of training. The training may consist of any course acceptable to the licensing authority. The licensing authority may require either a course not to exceed 16 hours which includes instruction on at least firearms safety and the law regarding the permissible use of a firearm or a community college course not to exceed 24 hours certified by the Commission on Peace Officer Standards and Training. If the licensing authority requires the community college course, it must be uniformly required for all CCW license applicants. The licensing authority may also require annual qualification on the weapon(s) during the term for which the CCW license is granted.

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

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

Psychological Testing

In addition to licensing requirements as specified by the licensing authority, may require psychological testing on the initial application. If required, the applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. Any fees charged will be the responsibility of the applicant and such fees shall not exceed \$150.00 for an initial test. Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary (PC section § 26190, subd. (f).)

Completing the Application

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

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

The application on the following pages sets forth standardized questions to be used by the CCW licensing authority to determine whether a CCW license shall be issued. The applicant shall not be required to complete any additional application or form for a CCW license, or to provide any information other than that necessary to complete this standard application form except to clarify or interpret information provided herein. (Pen. Code § 26175, subd. (g).)

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

Important Instructions

***** Fill out, read, and sign ALL Sections 1 through 8, as directed. Use additional pages if more space is required. *****

Section 1 - Applicant Personal Information	3
Section 2 - Applicant Clearance Questions	3
Section 3 - Description of Weapon(s)	5
Section 4 - CCW License Conditions and Restrictions	6
Section 5 - Applicable California Penal Code Sections	7
Section 6 - Agreement to Restrictions and to Hold Harmless	10
Section 7 - Investigator's Interview Notes	11
Section 8 - Certification and Release of Information	14
Attachment 1 - California Prohibiting Categories for a CCW License	16
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Attachment 3 - Federal Prohibiting Categories for Possessing Firearms	19

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

Official Use Only -Type of Permit
Requested () Standard () Judge
() Reserve Officer () 90 Day

Public Disclosure Admonition:

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

Applicant Signature

Date

Witness Signature / Badge Number

Date

Section I - Applicant Personal Information

Name _____
Last First Middle

If Applicable,
Maiden Name or Other Name(s) Used: _____

Email Address: _____

City and County of Residence: _____ Country of Citizenship: _____

Date of Birth: _____ Place of Birth: _____
City, County, State

Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____

Section 2 - Applicant Clearance Questions

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

Issuing Agency: _____ Issue Date: _____ CCW# _____

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

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

Section 2 - Applicant Clearance Questions - (continued)

3. Have you ever held and subsequently renounced your United States citizenship?

Yes No (If yes, explain):

4. If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable?

Yes No (If yes, explain):

5. Are you now, or have you been, a party to a lawsuit in the last five years?

Yes No (If yes, explain):

6. Are you now, or have you been, under a restraining order(s) from any court?

Yes No (If yes, explain):

7. Are you on probation or parole from any state for conviction of any offense including traffic?

Yes No (If yes, explain):

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

Section 2 - Applicant Clearance Questions - (continued)

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

Date _____ Violation/Accident _____ Agency/Citation # _____

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

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

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

Yes No (If yes, explain):

Section 3 - Descriptions of Weapons:

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

Make	Model	Caliber	Serial No.
1.			
2.			
3.			
4.			
5.			

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

Section 4 - CCW License Conditions and Restrictions

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

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

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

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

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

Section 5 - Applicable California Penal Code Sections

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

Penal Code Section 26180 - False Statements 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

- 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.

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Standard Application for CCW License

Section 5 - Applicable California Penal Code Sections - (continued)

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 - 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.
- 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.

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Standard Application for CCW License

Section 5 - Applicable California Penal Code Sections - (Continued)

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 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 locked with a locking device, as defined in Section 16860, which has rendered the firearm inoperable.
- d. 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.
- 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 has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premise.

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

Section 6 - Agreement to Restrictions and Hold Harmless

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

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

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

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

I have read and understand 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

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

Section 7 - Investigator's Interview Notes

Applicant Name: _____
Last First Middle

Date of Birth: _____ Age: _____

Social Security No.: _____

California DLAD No.: _____

Driver's License Restrictions: _____

Residence Address: _____
Number Street Apt. City State Zip

Mailing Address: (if Different): _____
Number Street Apt. City State Zip

Home/Personal Phone Numbers: _____
Please include Area Code: _____

Spouse's Name and Address: _____

E-mail Address: _____

Applicant Occupation: _____

Business/Employer Name: _____

Business Phone Numbers: _____
Please include Area Code: _____

Business Address: _____
Number Street Apt. City State Zip

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

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

Section 7 - Investigator's Interview Notes - (continued)

2. Have you ever been in a mental institution, treated for mental illness, or been found not-guilty by reason of insanity ?

Yes No (If yes, explain):

3. Are you now, or have you ever been, addicted to a controlled substance or alcohol, or have you ever utilized an illegal controlled substance, or have you ever reported to a detoxification or drug treatment program?

Yes No (If yes, explain):

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

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

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

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Section 7 - Investigator's Interview Notes - (continued)

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 sheets if needed).

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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.

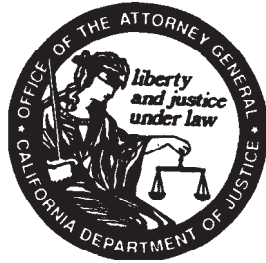
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Applicant Signature

Date

Witness Signature / Badge Number

Date



Attachments

**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:

Attachment 1

- 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.

Attachment 2

- 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.)

CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS FIREARMS PROHIBITING CATEGORIES

Attachment 2 (Continued)

- 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.)

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

Attachment 2 (Continued)

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.

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.

218.2 POLICY

The Shasta 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 Shasta County (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).
- (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.

License to Carry a Firearm

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 Shasta County 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 should submit at least three signed letters of character reference from individuals other than relatives.

License to Carry a Firearm

- (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.

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 department, 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 department 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

License to Carry a Firearm

department-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, 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 Shasta County (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 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).

License to Carry a Firearm

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.
- (b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, 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.
- (c) 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 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.
- (d) 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).
- (e) 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.

License to Carry a Firearm

- (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:

- (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:

License to Carry a Firearm

- (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
- (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, court commissioner or judge contained in an application shall not be considered public record (Government Code § 6254(u)(2)).

Any information in an application for a license to carry a firearm that indicates 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)).