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3	Sacramento, CA 95814 916-440-1010	
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6	2 Overhill Road, Suite 400 Scarsdale, NY 10583	
7	914-367-0090 Pro Hac Vice	
8 9	Attorneys for Plaintiffs	
10		
11		ES DISTRICT COURT
12	EASTERN DIST	RICT OF CALIFORNIA
13	MARK BAIRD and	Case No. 2:19-cv-00617-KJM-AC
14	RICHARD GALLARDO,	DECLARATION OF
15	Plaintiffs,	MARK BAIRD
16	v.	IN SUPPORT OF SECOND MOTION FOR PRELIMINARY INJUNCTION
17	XAVIER BECERRA, in his official	
18	capacity as Attorney General of the State of California, and DOES 1-10,	Date: June 18, 2021 Time: 10:00 a.m.
19		Room: 3 Judge: Hon. Kimberly J. Mueller
20	Defendants.	
21		
22		
23		
24 25		
25 26		
20 27		
28		1
	DECLARATION OF MAR FOR PRELIMI	K BAIRD ISO SECOND MOTION NARY INJUNCTION

	Case 2:19-cv-00617-KJM-AC Document 40-2 Filed 04/13/21 Page 2 of 53				
1	DECLARATION OF MARK BAIRD				
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 defendant				
4	Becerra and California Penal Codes §§ 26150, 26155, 26350 and 25850. I make this declaration				
5	of my own personal knowledge and, if called as a witness, I could and would testify competently				
6					
7	to the truth of the matters set forth herein.				
8	2. I am over the age of 18 and a resident of Siskiyou County, located in the Eastern				
9	District of California. I have no prohibitors to the possession or purchase of firearms under state				
10	or federal law.				
11 12	3. Siskiyou County has a population of less than 200,000 people. As a resident of				
12	Siskiyou County, I am eligible to apply for an open carry firearm license under California's				
13	statutory firearms licensing scheme. See, Penal Codes §§ 26150 and 26155.				
15	4. I possess firearms in my home for self-defense, for which no license is required in				
16	the State of California.				
17	5. I do not hold a license to carry a firearm in California and I do not fall within any				
18	of the exemptions to those sections of the California Penal Code that criminalize the possession of				
19	firearms, whether loaded or unloaded, under Penal Codes §§ 26350 and 25850.				
20	6. It is my intention to carry a firearm exposed and on my person for self-defense				
21	outside of my home, loaded or unloaded, throughout Siskiyou County and the State of California				
22	[excluding sensitive places such as schools and government buildings], which will subject me to				
23 24					
24 25	criminal penalties including incarceration and fines under Penal Codes §§ 26350, 25850.				
23 26	7. I intend to exercise my right to open carry with or without an open carry license,				
20 27	which will subject me to criminal penalties including incarceration and fines under Penal Codes				
28	§§ 26350, 25850. 2				
	DECLARATION OF MARK BAIRD ISO SECOND MOTION FOR PRELIMINARY INJUNCTION				

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1	8. I possess a preexisting fundamental right to keep and bear arms as protected by the
2	Second Amendment, which includes the right to carry a handgun in public for all lawful purposes,
3	including self-protection. As such, the government cannot infringe – encroach upon – my right to
4 5	bear arms through the open carriage of a firearm in public for self-protection.
6	9. California Penal Codes §§ 26150 and 26155 are part of a discretionary licensing
7	scheme that allows the denial of an application to carry a handgun in public even where the
8	applicant meets all other statutory requirements.
9	10. The "may issue" language of §§ 26150 and 26155 violates the Second Amendment
10	because, by giving the licensing authority discretion to grant or deny the application, the statutes
11	reduce the preexisting "right" to bear arms to a mere "privilege".
12	11. I am being denied the right to carry a handgun in public for self-protection by,
13 14	inter alia, the "may issue" language of §§ 26150 and 26155.
14	12. California Penal Codes §§ 26150 and 26155 require an applicant for an open carry
16	license to establish "good cause" as a condition precedent to the issuance of an open carry license.
17	13. Requiring me to demonstrate a reason for bearing arms as a condition precedent to
18	exercising my right to carry a handgun in public, whether open or concealed, violates a
19	preexisting right protected by the Second Amendment.
20	14. Under Penal Codes §§ 26150 and 26155, an open carry license can only be issued
21	in counties having a population under 200,000. Residents of such counties may only apply for an
22 23	open carry license in their county of residence and, if an open carry license were to be issued, it
23 24	would only be valid in the county of issuance.
25	15. Because an open carry license is only valid in the county of issuance, a licensee
26	who seeks to carry a handgun open and exposed in any other county in California must choose
27	between exercising the preexisting right to self-defense in public and being subject to criminal
28	
	DECLARATION OF MARK BAIRD ISO SECOND MOTION FOR PRELIMINARY INJUNCTION

Case 2:19-cv-00617-KJM-AC Document 40-2 Filed 04/13/21 Page 4 of 53 1 prosecution under Penal Codes §§ 25850 and 26350. 2 16. Carrying a handgun in public open and exposed without a license, whether loaded 3 or unloaded, is a criminal offense subject to penalties including fines and incarceration. Penal 4 Codes §§ 26350 and 25850. 5 17. My right to bear arms for self-defense in public is indelibly attached to me 6 everywhere I travel, including every county in the State of California. 7 18. On more than one occasion, I have applied to the Siskiyou County Sheriff's Office 8 9 for an open carry license; each request has been denied. I was informed by the Siskiyou Sheriff's 10 Office that it will not issue open carry licenses notwithstanding the statutory provisions of 11 §§ 26150 and 26155. 12 19. In every county in California having a population under 200,000, even where an 13 individual has met the criteria for the issuance of an open carry license, the sheriff of such county 14 has discretion to deny the application because of the "may issue" language of Penal Codes 15 16 §§ 26150 and 26155. 17 20. I meet every statutory requirement for the issuance of an open carry license under 18 the California Penal Code. If the language of §§ 26150 and 26155 read "shall issue", instead of 19 "may issue", the Sheriff of Siskiyou County would be required to issue an open carry license to 20 me and all Siskiyou County residents who are not prohibited from possessing firearms under state 21 or federal law and applied for such a license. 22 21. Because of the "may issue" language of §§ 26150 and 26155 and defendant 23 24 Becerra's enforcement of such statutes, my Second Amendment rights and the rights of otherwise 25 eligible citizens of California continue to be violated on a daily basis. 26 22. There is no administrative appeal process available for challenging the denial of 27 my applications for an open carry license by the **\$** iskiyou County Sheriff's Office. 28 DECLARATION OF MARK BAIRD ISO SECOND MOTION FOR PRELIMINARY INJUNCTION

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23. Even if there were an available administrative appeal process to challenge the denial of my applications for an open carry license, such 'process' would be futile.

24. The public website of the Siskiyou County Sheriff's Office only provides
information related to applications for a concealed carry license/"CCW".¹ The Siskiyou Sheriff's
handgun licensing procedure has no option for applying for an open carry license. All
publications, forms, and applications provided by the Siskiyou County Sheriff for obtaining a
firearm carry license relate solely to CCW licenses. (See attached).

9 25. The Livescan Fingerprinting Form used by the Siskiyou Sheriff is created by the
10 California DOJ. The Livescan Form contains a section to be completed by the applicant entitled,
11 "Authorized Applicant Type"; this section is pre-populated [by the Sheriff or DOJ] to read
12 "STANDARD CCW". In either scenario, both governmental entities conceal the option to apply
14 for an open carry license from the public. (See attached).

26. The application for a carry license provided by the Siskiyou Sheriff, created by the 15 16 DOJ, is entitled, "Standard Initial and Renewal Application for License to Carry a Concealed 17 Weapon". (See attached DOJ CCW Application). Under the section, "Format of CCW License", 18 the DOJ form confusingly indicates that a 'concealed carry weapon license' to carry 'loaded and 19 exposed' is available to applicants living in a county having less than 200,000 people. An open 20 carry license is not a 'type' of concealed carry license. The DOJ application itself is titled as an 21 application "For License to Carry a *Concealed* Weapon". An application to carry a concealed 22 weapon is not, by definition, an application to carry a weapon exposed. No section of the DOJ 23 24 CCW application allows the applicant to select "open carry" as an option.

28 ¹ https://www.co.siskiyou.ca.us/sheriff; https://www.co.siskiyou.ca.us/sheriff/page/concealed-carry-weapon-permitsccw

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1 that Penal Code § 26350 was implemented criminalizing the open carriage of unloaded firearms. 2 28. Neither the Siskiyou County Sheriff's Office nor the DOJ provide an application 3 or a procedure for the public to apply for an open carry license. 4 29. Penal Code § 26160 provides, "Each Licensing Authority shall publish and make 5 available a written policy summarizing the provisions of Section 26150, and subdivisions of 6 Section 26155." Consistent with Penal Code § 26160, Siskiyou Sheriff Policy No. 218 mentions 7 8 the open carry license only in the context of its automatic revocation where a licensee changes 9 residency to another county, yet no open carry licenses are issued. (Policy 218 at 218.6.3(e)). 10 30. Upon information and belief, the sheriffs in this state are acting at the direction of, 11 and/or with the knowledge and approval of, defendant Becerra to continue the ban on the open 12 carriage of handguns in this State. 13 31. If the language of California's licensing scheme provided that the sheriffs "shall 14 issue" an open carry license to non-prohibited people who apply for an open carry license, the 15 16 Siskiyou County Sheriff would be required by law to issue me an open carry license. 17 32. 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 Codes §§ 26150 and 26155, which require 19 applications for an open carry license be made in the applicant's county of residence. I do not 20 have a residence in any other county and am therefore ineligible under § 26150 and/or § 26155 to 21 apply for an open carry license in any other county in California. 22 33. Even if I were issued an open carry license by the Sheriff of Siskiyou County, 23 24 § 26150 renders open carry licenses invalid outside of the county of issuance; carrying a handgun 25 open and exposed outside of Siskiyou County – even with a license - would subject me to 26 criminal penalties, including incarceration, under §§ 25850 and 26350. 27 6 28 DECLARATION OF MARK BAIRD ISO SECOND MOTION FOR PRELIMINARY INJUNCTION

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1	34. It is my intention to exercise my Second Amendment right to bear arms in public
2	within Siskiyou County and throughout the State of California, with or without an open carry
3	license, as I have no state or federal prohibitors to the possession of firearms, I have completed
4 5	the requisite training under the statutes, and the public carriage of firearms is a fundamental right
6	protected by the Second Amendment.
7	35. By carrying a firearm open and exposed for self-protection without an open carry
8	license, whether within or outside of Siskiyou County, I will be subjected to criminal penalties
9	including incarceration and fines under §§ 25850, 26350.
10	36. Abandoning my right to bear arms in public, whether within or outside of Siskiyou
11	County, leaves me unprotected and vulnerable to violent criminals. I should not be forced to
12 13	choose between exercising my preexisting right to bear arms for self-protection in public and
13	facing criminal penalties including incarceration.
15	37. My right to bear arms in public throughout the State of California has been, and
16	continues to be, infringed and violated by Penal Codes §§ 26150, 26350 and 25850 and defendant
17	Becerra, who enforces and directs the enforcement of such statutes and unconstitutional policies.
18	38. Penal Law § 26175 prohibits the licensing authorities, including the Siskiyou
19 20	County Sheriff, from creating or offering an application for an open carry license that was not
20 21	created by the California DOJ.
22	39. Neither the sheriffs of this state nor the DOJ offer an option for California
23	residents to apply for an open carry license. The only license California residents may apply for is
24	a CCW license.
25	40. 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 28	provided by and/or connected to defendant Beceirra's DOJ. The DOJ's on-line application portal
20	DECLARATION OF MARK BAIRD ISO SECOND MOTION FOR PRELIMINARY INJUNCTION

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contains no option or procedure to apply for an open carry license. The only carry license available by the DOJ is the CCW license, which is subject to the same discretionary and subjective "moral character", "good cause", and "may issue" restrictions of §§ 26150 and 26155.

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

42. None of the sheriff's websites contained the required verbatim text of §§ 26150 or
26155 in a readily accessible manner to inform the public of the manner of applying for an open
carry license, as required by § 26160. Even a cursory summary required by § 26160 would
articulate to the public the two carry options under §§ 26150 and 26155 to enable the public to
make an informed choice as to which type of public carry best suits their needs, i.e., open carry or
concealed carry.

- 43. From the totality of the circumstances presented, the government's intention is to
 eliminate the concept of open carry from the public domain to exercise complete control over the
 public's ability to carry a firearm for self-defense. In the absence of an open carry license, the
 government has unfettered control over all carry licensing.
- 44. Even if the open carry license were available in certain counties, to exercise the
 right to open carry, one would have to apply in each and every jurisdiction, live in all those

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

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1	jurisdictions simultaneously, and sprout wings to get from one county to another in order to avoid					
2	being arrested in the counties in the middle.					
3	45. The majority of the 58 sheriff's offices in this state provide a link on their website					
4	to an electronic portal for processing CCW applications, which does not provide an option to					
5	apply for an open carry license.					
6 7	46. The Nevada County Sheriff Office website confirms the nexus between the					
, 8	sheriffs and defendant Becerra's control over the licensing processes through the State's sheriff's					
9	offices:					
10						
11	" <u>California Department of Justice</u> - Use this link to access the application process for CCW licenses."					
12	See, https://www.mynevadacounty.com/184/Concealed-Weapon-Permits-CCW-License-to-					
13						
14	47. The California DOJ link provided by the Nevada County Sheriff website brings					
15	the applicant to the DOJ-created and DOJ-enforced uniform handgun application portal for					
16	applying for a CCW license. (See, https://nevadaca.permitium.com/ccw/start). The DOJ provides					
17	no option to apply for an open carry license either through DOJ's electronic portal or through the					
18	California sheriff's offices where a hard-copy application is available.					
19 20	48. By controlling the process and procedure for applying for a carry license,					
20 21	defendant Becerra has eliminated the option of open carry throughout the state of California.					
22	49. The California Department of Justice website does not provide the public or the					
23	various sheriffs and police chiefs in the state with a form application for an open carry license. I					
24	have conducted a search of the DOJ websites and have found no reference, applications, or forms					
25	regarding open carry licenses with the exception of Bureau of Security and Investigative Services					
26	("BSIS") permits for security guards and alarm agents, which reference terms of employment.					
27	9					
28	DECLARATION OF MARK BAIRD ISO SECOND MOTION FOR PRELIMINARY INJUNCTION					

50. No DOJ form readily accessible to the public references an option to apply for an
 open carry license.

3	51. California Penal Code § 26225 requires that a copy of all firearms licenses issued
4	
5	in each county (open carry and concealed carry) be "filed immediately" with the DOJ.
6	52. I am informed by the California Department of Justice that, since the passage of
7	Penal Code § 26350 in January 2012 criminalizing the open carriage of unloaded handguns in
8	public, their records reflect that no open carry licenses have been issued in the State of California.
9	53. Even if I were not statutorily precluded from applying for an open carry license in
10	another county in California, such an application would be futile because, according to the
11	official records of the DOJ, no open carry licenses have been issued in the State of California
12 13	since 2012.
13 14	54. Because of the "may issue" provisions, the "good cause" requirements, and the
15	geographical restrictions related to open carry licenses under of § 26150, and the risk of criminal
16	prosecution under Penal Codes §§ 26350 and 25850 by exercising my preexisting individual right
17	to bear arms, I am irreparably harmed by the ongoing deprivation of the right to open carry,
18	loaded or unloaded, throughout the State of California.
19	55. Defendant Becerra's <i>de facto</i> elimination of the right to open carry is contrary to
20	the plain language of the statutes.
21	
22	56. Defendant Becerra's <i>de facto</i> elimination of the right to open carry is borne out
23	through the DOJ's licensing applications, both hard copy and electronic portal applications,
24	which only permit the filing of applications for concealed carry/CCW licenses as carried out
25	through the licensing authorities in the state.
26	57. Based on the above, I continue to suffer irreparable harm by the ongoing
27	deprivation of my preexisting individual right tolbear arms, the exercise of which would subject
28	DECLARATION OF MARK BAIRD ISO SECOND MOTION
	DECLARATION OF MARK BAIRD ISO SECOND MOTION FOR PRELIMINARY INJUNCTION

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1 me to criminal prosecution under Penal Codes §§ 26350 and 25850.

58. Based on the continuing violation of my right to bear arms in public under the
Second Amendment, I am requesting that the enforcement of Penal Codes §§ 26350 and 25850
against individuals carrying a handgun open and exposed in public throughout the State of
California be enjoined for the pendency of this matter.

59. Based on the continuing violation of my right to bear arms in public under the
 Second Amendment, I am requesting that defendant Becerra be ordered to issue standard
 application forms and procedure to the licensing authorities in this State for use by the public to
 apply for an open carry license under §§ 26150 and 26155, consistent with the statutes and the
 obligations of his office.

60. Based on the continuing violation of my right to bear arms in public under the
Second Amendment, I am requesting that the "may issue" language of Penal Codes §§ 26150 and
26155 pertaining to the issuance of an open carry license be enjoined for the pendency of this
matter.

Based on the continuing violation of my right to bear arms in public under the
Second Amendment, I am requesting that the "good cause" language of Penal Codes §§ 26150
and 26155 pertaining to the issuance of an open carry license be enjoined for the pendency of this
matter.

62. Based on the continuing violation of my right to bear arms in public under the
Second Amendment, I am requesting that the geographical restrictions for the validity of an open
carry handgun license issued under Penal Codes §§ 26150 and 26155 be enjoined for the

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Cases 2 pillor Green Only 7 attended to a possible and 25850 by exercising my precising individual right to beer same. I am increasely heared by the ongoing deprivation of the right to open carry togeted, throughout the State of Cellifornia.

55. Defen dant Becerta's de facto elimination of the right to open carry is contrury to the plain language of the statutes.

56. Defendent Becena's a's facto elimination of the right to ope a carry is horrecost shrough the DOJ's licensing approximes, both hard sopy and electronic portal applications, which or by permit the filing, of applications for some all deaty/CCW licenses as epocied 411 through the licensing authorities in the state.

57. Based on the above, I continue to suffer intervale horm by the 00,80 log deprivation of my promising individual right to beer anns, the exercise of which would subject me to cristical proceeding and er Penal Codes §§ 26330 and 25850.

58. Based on the continuing violation of my right to beer amits in public under the Second Amendances, I am requisiting that the enforcement of Percil Codes \$§ 36350 and 25850 against individuals: corrying a bundgem open and explosed in public throughout the State of California be enjoined for the pendency of this matter.

59. Based on the continuing violation of my right to bear antes in public trader the Second Amendanceut, I are requesting that defendent Boccas be ordered to issue standard application forms and provedure to the licensing sufformes in this Stree for sue by the public to apply for an open carry license under §§ 26130 and 26155, consistent with the statutes and the oblightions of his office.

60. Based on the continuing violation of any right to bear stars in public under the Second Amendment. Is a requesting that the "may issue" language of Penal Codes §§ 26150 and 26155 pertaining to the issuance of an open curry license be enjoined for the penciently of this matter.

61. Buted on the conducting violation of my right to bear somes in public under the Second Amendment, 3 an requesting that the "good control" fattguage of Parist Codes § § 26150 and 26155 prinateling to the issuance of an open carry license he enjoined for the pendency of this anatter.

62. Based on the continuing violation of my right to bear arms in public under the Second Amendment. I am requesting that the geographical section in the validity of an open carry handgun likense issued under Penal Codes §§ 26150 and 26155 be emploined for the

peridency of this matter I declore under Penalty of perjudy under the laws of the United States of America that the Incessing is two and concer.

Dared April 12, 2021

Jank

Mark Baird

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DECLARATION OF MARK BARD ISO SECOND MOTION FOR PRELIMINARY INJUNCTION

Instruction for CCW Permit Application

- 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 12:00 pm, Call for Appointment 842-8301. 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 Office.
- 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 drivers 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 842-8317

BUREAU OF FIREARMS STANDARD INITIAL AND RENEWAL APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

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	JM-AC Document 40-2 Fi LIFORNIA DEPARTMENT OF J BUREAU OF FIREARMS INITIAL AND RENEWAL SE TO CARRY A CONCE		E 15 GEPSOMENT OF JUSTICE PAGE 3 of 13
Official Use Only Type of License Requested Standard Judge Reserve Officer 90 Day	SE TO CARRY A CONCE	Initial Application	Renewal Application
Public Disclosure Admonition: I understand that I am obligated to be com of the information disclosed by me in this a			. I understand that all
Applicar	nt Signature		Date
Witness Signature	Badge Numb	per	Date
Section 1 - Applicant Personal Informat	tion		
Last Name	First Name	Middle Name	
If Applicable, Maiden Name or Other Nam	nes(s) Used		
City of Residence	County of Residence	Country of Citize	enship
Date of Birth	Place of Birth (City, County, State)	
Height Weight	Eye Color	Hair Color	M/F
Section 2 - Applicant Clearance Questi	the second s		
1. Do you now have, or have you ever ha enter the issuing agency name, issue of			
Issuing Agency	Issue Date	CCW N	0.
2. Have you ever applied for and been de and the reason for denial.	enied a CCW license? If yes, please	enter the agency name,	date, YES NO
Agency Name		Date	
Reason for Denial			
3. Have you ever held and subsequently	renounced your United States citize	enship? If yes, please exp	olain.
		~	
4. If you served with the Armed Forces, w than honorable? If yes, please explain		ges or was your discharg	ge other YES NO

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BUREAU OF FIREARMS STANDARD INITIAL AND RENEWAL APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

5. Are you n	ow, or have you been, a party to a lawsuit in	the last five years? If yes, please explain.	
6. Are you n	ow, or have you been, subject to a restrainin	g order(s) from any court? If yes, please explain.	
7. Are you o explain.	n probation or parole from any state for conv	viction of any offense including traffic? If yes, pleas	
		`	
	ffic violations (moving violations only) and m I pages if necessary.	otor vehicle accidents you have had in the last five	e years. Use
Date	Violation/Accident	Agency	Citation No.
Date	Violation/Accident	Agency	Citation No.
Date	Violation/Accident	Agency	Citation No.
Date	Violation/Accident	Agency	Citation No.
Date	Violation/Accident	Agency	Citation No.
	ever been convicted of any criminal offense If yes, please explain including the date, age		
	I yes, please explain molecting the date, age	ncy, charges and disposition.	
10 Have vo	wwithheld any fact that might affect the deci	sion to approve this license? If yes, please explair	
		SUIT to approve this incense: it yes, prease explain	

STATE OF CALIFOR MARSE 2:19-CV-00617-KJM-AC Document 40-2 Filed 04/13/21 Page 17 Of Page 17 Of JUSTICE PAGE 5 of 13

BUREAU OF FIREARMS STANDARD INITIAL AND RENEWAL APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

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.

STATE OF CALIFORNICASE 2:19-CV-00617-KJM-AC DOCUMENT 40-2 Filed 04/13/21 Page 18 OF ADJUSTICE PAGE 6 of 13 PAGE 6 of 13

BUREAU OF FIREARMS 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.

STATE OF CALIFORNIA ASE 2:19-CV-00617-K JM-AC DOCLIMENT 40-2 FILE (04/13/21 Page 19 OF 53 MENT OF JUSTICE PAGE 7 of 13 BUREAU OF FIREARMS STANDARD INITIAL AND RENEWAL ARPLICATION

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.

STATE OF CALIFORNIA OSE 2:19-CV-00617 K JM-AC BOF 4012 (Rev. 11/2012) BUREAU OF FIREARMS STANDARD INITIAL AND RENEWAL APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

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 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

Witness Signature

Badge Number

Date

Date

STATE OF CALIFORNIA ASE 2:19-CV-00617-KJM-AC Document 40-2 Filed 04/13/21 Page 21 0 53 BOF 4012 (Rev. 11/2012) CALIFORNIA DEPARTMENT OF JUSTICE PAGE 9 of 13

BUREAU OF FIREARMS STANDARD INITIAL AND RENEWAL APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

Section 7 - Investigator's Interview Not	es			
Applicant Last Name	First Name		Middle	Name
Date of Birth Age	Social Security No.	CA	Driver Lice	nse/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 application	ant) City	State	Zip Code	Telephone Number
Applicant Occupation	Busines	s/Employ	er Name	
Business/Employer Address	City	State	Zip Code	Telephone Number
1. List all previous home addresses for the	e past five years. Use additior	nal pages	if necessar	у.
Address		City		State Zip Code
Address		City		State Zip Code
Address		City		State Zip Code
Address		City		State Zip Code
 Have you ever been in a mental institu insanity? If yes, please explain. 	ition, treated for mental illness,	, or been t	found not-g	uilty by reason of
 Are you now, or have you ever been, a utilized an illegal controlled substance program. If yes, please explain. 				

STATE OF CALIFORNIA ASE 2:19-CV-00617-K JM-AC, DOCUMENT 40-2, Filed 0.4/13/21 Page 22 OFFERENT OF JUSTICE BOF 4012 (Rev. 11/2012) BUREAU OF FIREARMS STANDARD INITIAL AND RENEWAL APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

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

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.

STATE OF CALIFORNIA OS 2:19-CV-00617-KJM-AC BOF 4012 (Rev. 11/2012) STANDARD INITIAL AND RENEWAL APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON

Section 8 - Release of Information and Declaration

I herby 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

Witness Signature

Badge Number

Date

Date

STATE OF CALIFOR WAASE 2:19-CV-00617-KJM-AC Document 40-2 Filed 04/13/21 Page 24 Of Page 24 Of Page 12 of 13 BOF 4012 (Rev. 11/2012) ATTACHMENT



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)

STATE OF CALIFORNIC ASE 2:19-CV-00617-KJM-AC Document 40-2 Filed 04/13/21 Page 25 Of 53 BOF 4012 (Rev. 11/2012) PAGE 13 of 13 ATTACHMENT

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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.



STATEOFCALFORDACV-00617-KJM-AC. Document 40-2 Filed 04/13/21 Page 26 0555 TMENT OF JUSTICE PAGE 1 of 4 (Rev. 04/2020)

REQUEST FOR LIVE SCAN SERVICE

Applicant Submission					
CA0470000 ORI (Code assigned by DOJ)		Standard CCW Authorized Applicant Type			
Type of License/Certification/Permit OR Working Title(M	aximum 30 characters	if assigned by DOJ, use exa	act title assigned)		
Contributing Agency Information:				···	
Siskiyou County Sheriff Agency Authorized to Receive Criminal Record Information		03256 Mail Code (five-digit code assigned by DOJ)			
305 Butte Street Street Address or P.O. Box		Mary Jo Culp Contact Name (mandatory for all school submissions)			
YrekaCA96097CityStateZIP Code		(530) 842-8317 Contact Telephone Number			
Applicant Information:					
Last Name		First Name		Middle Initial	- Suffix
Other Name: (AKA or Alias)					
Last Name		First Name			- Suffix
Sex Male Fema Date of Birth Weight Eye Color H Place of Birth (State or Country) Social Security Number	air Color	Misc. Number	Number illing Number)		
Home Address Street Address or P.O. Box I have received and read the included P	rivacy Notice,	City Privacy Act State	ement, and Applic	State ZIP C	ode
Applicant Signature				Date	
Your Number: OCA Number (Agency Identifying Number)		Level of Service: X DOJ X FBI (If the Level of Service indicates FBI, the fingerprints will be used to check the criminal history record information of the FBI.)			
If re-submission, list original ATI number: (Must provide proof of rejection)	TI Number				
Employer (Additional response for agencies specif	ied by statute):			
Employer Name					
Street Address or P.O. Box		Telephone Number (optional)			
City	State	ZIP Code	Mail Code (five digi	t code assigned by DOJ)	
Live Scan Transaction Completed By:					
Name of Operator		Date			
Transmitting Agency LSID	<u>en en e</u>	ATI Number		Amount Collected/Billed	



REQUEST FOR LIVE SCAN SERVICE

Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The California Justice Information Services (CJIS) Division in the Department of Justice (DOJ) collects the information requested on this form as authorized by Business and Professions Code sections 4600-4621, 7574-7574.16, 26050-26059, 11340-11346, and 22440-22449; Penal Code sections 11100-11112, and 11077.1; Health and Safety Code sections 1522, 1416.20-1416.50, 1569.10-1569.24, 1596.80-1596.879, 1725-1742, and 18050-18055; Family Code sections 8700-87200, 8800-8823, and 8900-8925; Financial Code sections 1300-1301, 22100-22112, 17200-17215, and 28122-28124; Education Code sections 44330-44355; Welfare and Institutions Code sections 9710-9719.5, 14043-14045, 4684-4689.8, and 16500-16523.1; and other various state statutes and regulations. The CJIS Division uses this information to process requests of authorized entities that want to obtain information as to the existence and content of a record of state or federal convictions to help determine suitability for employment, or volunteer work with children, elderly, or disabled; or for adoption or purposes of a license, certification, or permit. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <u>http://oag.ca.gov/privacy-policy</u>.

Providing Personal Information. All the personal information requested in the form must be provided. Failure to provide all the necessary information will result in delays and/or the rejection of your request.

Access to Your Information. You may review the records maintained by the CJIS Division in the DOJ that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to process applications pertaining to Live Scan service to help determine the suitability of a person applying for a license, employment, or a volunteer position working with children, the elderly, or the disabled, we may need to share the information you give us with authorized applicant agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes.
- To another government agency as required by state or federal law.

Contact Information. For questions about this notice or access to your records, you may contact the Associate Governmental Program Analyst at the DOJ's Keeper of Records at (916) 210-3310, by email at <u>keeperofrecords@doj.ca.gov</u>, or by mail at:

Department of Justice Bureau of Criminal Information & Analysis Keeper of Records P.O. Box 903417 Sacramento, CA 94203-4170



REQUEST FOR LIVE SCAN SERVICE

Privacy Act Statement

Authority. The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose. Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses. During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental, or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.



REQUEST FOR LIVE SCAN SERVICE

Noncriminal Justice Applicant's Privacy Rights

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification: that your fingerprints will be used to check the criminal history records of the FBI.
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared. 2
- If you have a criminal history record, the officials making a determination of your suitability for the employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or update of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record. 3

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council. 4

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <u>https://www.fbi.gov/services/cjis/identity-history-summary-checks</u>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.) You can find additional information on the FBI website at https://www.fbi.gov/about-us/cjis/background-checks.

¹ Written notification includes electronic notification, but excludes oral notification

² https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement

³ See 28 CFR 50.12(b)

⁴ See U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c)

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

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

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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:
 Bullet Design: circle one (Hollow Point) Semi-Wadcutter) (Soft Point) (Full Metal Jacket) (Round Nose)
Weapon #2
1. Manufacturer:
2. Bullet Weight:
 Bullet Design: circle one (Hollow Point) Semi-Wadcutter) (Soft Point) (Full Metal Jacket) (Round Nose)
Weapon #3
1. Manufacturer:
2. Bullet Weight:
 Bullet Design: circle one (Hollow Point) Semi-Wadcutter) (Soft Point) (Full Metal Jacket) (Round Nose)
Signature:
Date:

Sheriff

Divisions

The Colusa County Sheriff's Department is comprised of the following divisions:

- Administrative Services
 - Civil Services
 - Fiscal Services
 - <u>Records</u>
- Documents
- Correctional Services
 - <u>Court Security</u>
 - ∘ <u>Jail</u>
- Field Services
 - Animal Control
 - Boating Safety Unit
 - <u>Coroner</u>
 - Investigations
 - Narcotics Task Force
 - Off Highway Vehicles
 - <u>Patrol</u>
 - Property and Evidence
 - School Resource
 - <u>SOAR</u>

• Support Services

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• Emergency Services

Contact Us



Joe Garofalo Sheriff Coroner <u>Contact Sheriff Joe Garofalo</u> Phone: (530) 458-0208

Sheriff

Physical Address 929 Bridge Street Colusa, CA 95932

Phone: (530) 458-0200 Fax: (530) 458-4697

Hours

24 hours a day, 7 days a week

Directory

Quick Links

- <u>Amber Alert</u>
- Help for Crime Victims

• <u>Megan's Law</u> Case 2:19-cv-00617-KJM-AC Document 40-2 Filed 04/13/21 Page 37 of 53

FAQs

- Where may I file a crime report?
- How can I obtain a copy of a report I filed with the sheriff's office?
- Who can visit the jail?

Government Websites by <u>CivicPlus®</u>

-- How do I...? --

(/) • Government (/government) • Departments (/government/departments) • Sheriff

Sheriff

The Glenn County Sheriff is responsible for law enforcement services in the unincorporated areas of the county and within the City of Willows.

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We administer the County Jail, Dispatch, and function as the <u>County Coroner (/dept/sheriff/coroner/welcome)</u>. We patrol waterways to protect residents and property and acts as the Director of Emergency Services.

The Mission Of The GLENN COUNTY SHERIFF'S OFFICE is to work in partnership with all citizens to protect life and property and to enhance the quality of life for each person living in the Glenn County Community; We, the men and women of the department, stand by our motto:



Join Our Team: Volunteers Needed

Do you want to serve your community and help make it a safer place? Join one our volunteer programs.

Glenn County Volunteers in Partnership with the Sheriff (VIPS) and Glenn County Search and Rescue are accepting new volunteers. Volunteers of all skills and abilities are needed. Check out our <u>Volunteer Opportunities page</u> (<u>https://www.countyofglenn.net/dept/sheriff/office-emergency-services/volunteer-opportunities</u>) for more information.



Do you have your California Boater Card?



California boating law requires boaters to obtain and carry a California Boater Card (CBC) while operating a recreational motorized vessel on California waterways. This card is often called the 'California boating license'.

The CBC requirement will be phased in over 8 years. January 1, 2020: Persons 35 years of age or younger January 1, 2021: Persons 40 years of age and younger

Apply for a California Boater Card Here (https://www.boat-ed.com/california/?kme=boat+fresh&campaign=ca+reviewsV1)

MEGAN'S LAW (HTTP://WWW.MEGANSLAW.CA.GOV/)

California Department of Justice's official Internet web site, which lists designated registered sex offenders in

California.

Go to Megan's Law (http://www.meganslaw.ca.gov/)

CodeRED

Register today for CodeRED Glenn County to ensure you don't miss an emergency notification!

Enroll in CodeRED (https://public.coderedweb.com/CNE/BF7547645C5B)

INTERPOSE ANNOUNCEMENTS (/GOVERNMENT/NEWS)

Marijuana Operation (Arews/press-release/20210203/ha/ijuana operation)



(/news/press-release/20210203/marijuana-operation)





Sheriff (/departments/sheriff)

Press Release (/news/news-categories-13)

READ MORE (/NEWS/PRESS-RELEASE/20210203/MARIJUANA-OPERATION)

Stolen Vehicle & Explosive Device (/news/press-release-public-safety/20210112/stolen-vehicle-explosive-device)



(/news/press-release-public-safety/20210112/stolen-vehicle-explosive-device)

f Sheriff (/departments/sheriff)

Press Release (/news/news-categories-13), Public Safety (/news/news-categories-1)

Arrest made in conjunction with infant death (/news/press-release-public-safety/20210109/arrest-made-conjunction-infant-death)



(/news/press-release-public-safety/20210109/arrest-made-conjunction-infant-death)

<u><u></u> Sheriff (/departments/sheriff)</u>

Press Release (/news/news-categories-13), Public Safety (/news/news-categories-1)

READ MORE (/NEWS/PRESS-RELEASE-PUBLIC-SAFETY/20210109/ARREST-MADE-CONJUNCTION-INFANT-DEATH)

Glenn County Sheriff position on Enforcement of Health Orders (/news/publicinformation-public-safety/20201120/glenn-county-sheriff-positionenforcement-health)



(/news/public-information-public-safety/20201120/glenn-county-sheriff-position-enforcement-health)

In response to much social uncertainty and numerous inquiries, I wanted to clarify the position of the Glenn County Sheriff's Office relative to existing health orders, as well as any potential impending orders at the County or State level.

- Sheriff (/departments/sheriff)
- Public Information (/news/news-categories-9), Public Safety (/news/news-categories-1)

READ MORE (/NEWS/PUBLIC-INFORMATION-PUBLIC-SAFETY/20201120/GLENN-COUNTY-SHERIFF-POSITION-ENFORCEMENT-HEALTH)

Illegal Marijuana Grow (/news/public-information-publicsafety/20200710/illegal-marijuana-grow)



(/news/public-information-public-safety/20200710/illegal-marijuana-grow)

f Sheriff (/departments/sheriff)

Public Information (/news/news-categories-9), Public Safety (/news/news-categories-1)

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ADDRESS 543 West Oak Street Willows, CA 95988

MON - FRI: 8:00 am-5:00 pm

PHONE (530) 934-6441 (tel://5309346441)

> FAX (530) 934-6473

> > \sim

E-MAIL gcsoadmin@countyofglenn.net (mailto:gcsoadmin@countyofglenn.net)

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Richard L. Warren Jr Sheriff-Coroner

f (https://www.facebook.com/glenncountysheriff) **J** (https://twitter.com/GlennCountyOES)

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Receive Community Information & Emergency Alerts Instantly!

EMERGENCY ALERT & NOTIFICATION SYSTEM

^ACodeRED[™]_(<u>https://public.coderedweb.com/CNE/BF7547645C5B)</u>

Enroll today! (https://public.coderedweb.com/CNE/BF7547645C5B)

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It's quick, easy and secure.

Sign up today! (http://www.nixle.com/)



(http://twitter.com/GlennCountyOES)

Follow us on Twitter

Case 2:19-cv-00617-KJM-AC Document 40-2 Filed 04/13/21 Page 44 of 53 Tweets by @GlennCountyOES

Glenn County OES Retweeted



Information about a proposed prescribed fire and fuels management strategy for the Mendocino National Forest is now available. go.usa.gov/xH49g



Apr 9, 2021



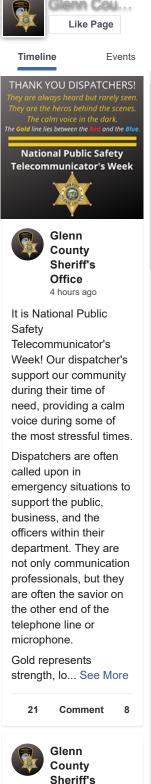
Gold represents strength, loyalty, understanding of right from wrong, preparedness, while being caring, concerned and concrete on resolve. Emergency Dispatchers are truly Gold! THANK YOU #GlennCountySheriff Dispatchers!



#GlennPrepares (https://twitter.com/search?q=%23GlennPrepares)

Glenn County Sheriff's Office Facebook feed

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Residents & Visitors (/residents)

Business (/business)

<u> Home (/)</u>

Government (/government)

Maps (//county Gase 2:19-c/v-00617-KJM-AC Document 40-2 Filed 04/13/21 Page 46 of 53

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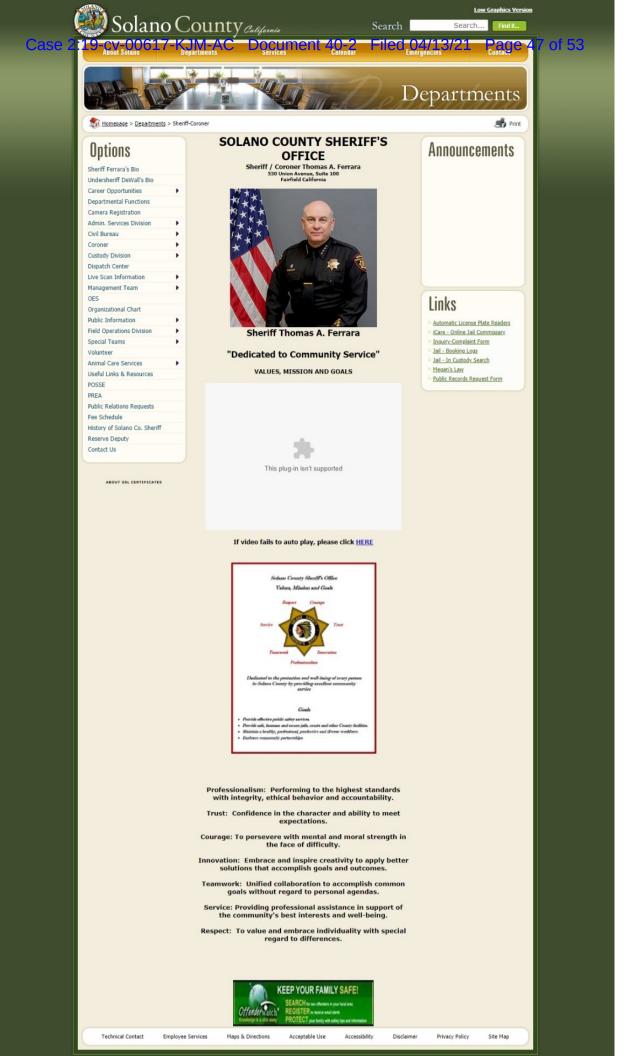


(http://www.adobe.com/products/acrobat/readstep2.html)

ADA Disclaimer (/legal/ada-disclaimer) | Privacy Policy (/legal/privacy-policy)

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Tehama County Sheriff's Office Serving our Community with P.R.I.D.E. Professionalism, Respect, Integrity, Dedication, Equality

ument 40-2 Filed 04/13/2

Home Contact Us Report A Crime Tehama Alert Press Releases Important Info Emergency Services Administration Civil Division

Jail Division

Operations Division



Sheriff Dave Hencratt

I began my law enforcement career in 1988 and have spent my entire career with the Tehama County Sheriff's Office.

Since taking office on January 3, 2011, we have accomplished everything we set out to accomplish. We have established respectable alternative custody/inmate work programs and an inmate work farm.

I am still proud to be associated with the men and women that make up our organization.

Our people are well trained and well equipped to deal with the always present criminal element of our society.

We are moving forward with a sixty four bed addition to our jail as a result of being promised jail construction funding from the State of California.

We will continue to dedicate our energy and resources to making Tehama County a better place to live and work.

Tehama County Emergency Alerts

Please click here for a list of Emergency Alerts located in the County of Tehama.

TCSO Temporary Face Coverings-Masks Policy / Governor Newsom's Guidance

Please Click Here to review Sheriff Hencratt's Temporary Policy regarding Face Coverings/Masks, as well as Governor Newsom's Statewide Guidance that California residents are to wear face coverings in most most settings outside the home.

Wal-Mart DC Shooting - Report for Public Release - June 27, 2020

Sheriff Hencratt had decided to release the public report regarding the Wal-Mart DC shooting that occurred on June 27, 2020.

Please Click Here to view this report.





I'm being evicted

My wages have been garnished

I have an electronic monitor

I want to request a restraining order

Find a Person in Jail

l've been assigned to the Sheriff's Work Alternative Program

I am a member of the media

Find out if you have a warrant



Find a Person in Jail

File a complaint

I'm homeless

Our job is to keep people safe.

Intake & Release In County Jail #3 In Court In Our Community In County Jail #2 At City Hall At the Hospital

Call 9-1-1 in case of life-threatening emergencies or to report a crime.

Prepare for an Emergency Megan's Law San Francisco Sheriff History Victim Notification Network (VINE) Public Notices

Find a Person in Jail

Compliment a Deputy

File a complaint

Jobs with the City

About this website

Contact Us

Do Not Sell My Personal Information

Privacy Policy

City and County of San Francisco

> Find a Person in Jail