



ORANGE COUNTY SHERIFF'S DEPARTMENT

CARRY CONCEALED WEAPON LICENSE POLICY

REVISED – January 2009

PURPOSE AND SCOPE

The Sheriff is given the statutory discretion to issue a license to carry a concealed firearm to residents within the community. This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 12050.2, this policy shall be made accessible to the public.

APPLICATION OF POLICY

Nothing in this policy shall be construed to require the Sheriff to issue a Concealed Weapons License at any time. The issuance of any such license shall only be pursuant to the terms and conditions of this policy and applicable law.

Nothing in this policy shall preclude the Sheriff from entering into an agreement with any chief of police within the County for the Sheriff to process applications and licenses for the carrying of concealed weapons within that jurisdiction (Penal Code § 12050(g)).

QUALIFIED APPLICANTS

In order to qualify for a license to carry a concealed weapon, the applicant must meet the following requirements:

- a. Be a resident of the County of Orange.
- b. Be at least 21 years of age.
- 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 concealed weapon. Fingerprints will be required and a complete criminal background check will be conducted.
- e. Be of good moral character.
- f. Show good cause for the issuance of the license
 1. Criteria that may establish good cause include the following:

- Specific evidence that there has been or is likely to be an attempt on the part of a second party to do great bodily harm to the applicant.
- The nature of the business or occupation of the applicant is such that it is subject to high personal risk and / or criminal attack, far greater risk than the general population.
- A task of the business or occupation of the applicant requires frequent transportation of large sums of money or other valuables and alternative protective measures or security cannot be employed.
- When a business or occupation is of a high-risk nature and requires the applicant's presence in a dangerous environment.
- The occupation or business of the applicant is such that no means of protection, security or risk avoidance can mitigate the risk other than the carrying of a concealed firearm.
- Personal protection is warranted to mitigate a threat to the applicant that the applicant is able to substantiate.
- Good cause could include, but not be limited to, documented instances of threats to the personal safety of the applicant, his / her family or employees. Threats to personal safety may be verbal or demonstrated through actual harm committed in the place of work, neighborhood or regular routes of travel for business. The applicant should articulate the threat as it applies personally to the applicant, his / her family or employees. Non-specific, general concerns about personal safety are insufficient.
- The finding of good cause should recognize that individuals may also face threats to their safety by virtue of their profession, business or status and by virtue of their ability to readily access materials that if forcibly taken would be a danger to society. Threats should be articulated by the applicant by virtue of his / her unique circumstances.

Note: These examples are not intended to be all-inclusive they are provided merely for your reference. Also, state and local laws do not prohibit an adult from having a concealed weapon in their home or place of business.

- 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 and registration of any weapon to be licensed for concealment.
- i. Provide at least three letters of character reference.
- j. Be free from any medical and psychological conditions that might make the applicant unsuitable for carrying a concealed weapon

- k. Complete required training.

APPLICATION PROCESS

The application process for a license to carry a concealed weapon 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.

PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- a. Any individual applying for a license to carry a concealed weapon shall first fully complete a Concealed Weapons License Application to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application (Penal Code § 12051 (b) & (c)).
 - 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination.
- b. At the time the completed application is submitted, the applicant shall submit a check made payable to "Department of Justice" for the required Department of Justice application processing costs along with a separate check made payable to "County of Orange". This nonrefundable amount payable to the County of Orange at the time the application is submitted is the first 20 percent of the application fee to cover the cost of processing by the County of Orange.
 - 1. Full payment of the remainder of the County's application fee will be required upon issuance of a license.
 - 2. The County's application fee does not include any additional fees required for fingerprints, training or psychological testing.
 - 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 § 12050 (a) (1) (C)).
- c. The applicant shall be required to submit Livescan fingerprints for a complete criminal background check. Two recent passport size photos (two inches by two inches) of the applicant shall be submitted for department use. Fingerprint fees will be collected in addition to the application fees. No person determined to fall within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare and Institutions Code §§ 8100 or 8103 may be issued a license to carry a concealed weapon.
- d. The applicant shall submit at least three signed letters of character reference from individuals other than relatives.

- e. The applicant shall submit proof of ownership and registration of each weapon to be licensed for concealment.

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 ninety (90) days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later (Penal Code § 12052.5).

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 a Department representative. 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.
- b. The applicant may be required to provide written evidence from a licensed physician that the applicant is not currently suffering from any medical condition that would make the individual unsuitable for carrying a concealed weapon. (NOTE: All costs associated with this requirement shall be paid by the applicant.) Failure to provide satisfactory evidence of medical fitness shall result in removal of the applicant from further consideration.
- c. The Sheriff may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing in order to determine the applicant's suitability for carrying a concealed weapon. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. This testing is not intended to certify the applicant is psychologically fit to carry a weapon. It is instead intended to determine whether an applicant has any outward indications or history of psychological problems that might render him/her unfit to carry a concealed weapon. If it is determined that the applicant is not a suitable candidate for carrying a concealed weapon, the applicant shall be removed from further consideration.
- d. The applicant shall complete a 16 hour course of training approved by the Department minimally including firearms safety and the laws regarding the permissible use of a firearm.
- e. The applicant shall submit any weapon to be considered for a license to the departmentally authorized armorer for a full safety inspection. The Sheriff reserves the right to deny a license for any weapon from an unrecognized manufacturer or any weapon that has been altered from the manufacturer's specifications.
- f. The applicant shall successfully complete a firearms safety and proficiency examination with the weapon to be licensed, to be administered by the department's weapon's instructor or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms.

Once the Sheriff or authorized designee has verified the successful completion of phase two, the license to carry a concealed weapon 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 Department of Justice, whichever is later. (Penal Code § 12052.5).

LIMITED BUSINESS LICENSE TO CARRY A CONCEALED WEAPON

The authority to issue a limited business license to carry a concealed weapon 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 § 12050(a) (2) (ii)). Therefore, such applicants may be referred to the Sheriff for processing.

An individual who is not a resident of the County of Orange, 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 Orange.
- b. Such a license will be valid for a period not to exceed 90 days from the date of issuance and will be valid only in the County of Orange.
- c. The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides.
- d. Any application for renewal or re-issuance 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.

ISSUED CONCEALED WEAPONS LICENSE

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

- a. The license will not be valid outside the State of California, unless recognized by another State.
- b. The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the concealed firearm.
 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 12050(c)).

2. The licensee will be required to sign a Terms of License Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- c. The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of weapon, restrictions and other pertinent information clearly visible.
 1. Each license shall be numbered and clearly identify the licensee.
 2. All licenses shall be subjected to inspection by the Sheriff or any law enforcement officer.
- d. The license will be valid for a period not to exceed two years from the date of issuance.
 1. A license issued to 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 or custodial officer.
- e. The licensee shall notify this department in writing within ten days of any change of place of residency. If the licensee moves out of the County of Orange, the license shall expire ninety (90) days after the licensee has moved.

LICENSE RESTRICTIONS

- a. The Sheriff may place special restrictions limiting time; place and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from any of the following:
 1. Consuming any alcoholic beverage while armed
 2. Falsely representing himself or herself as a peace officer
 3. Unjustified or unreasonable displaying of a weapon
 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 weapon for inspection upon demand of any peace officer
- b. The Sheriff reserves the right to inspect any license or licensed weapon at any time.

- c. Any ammunition carried in a weapon licensed to be carried concealed, shall be inspected and approved by the department's Sergeant or armorer. The carrying of any other ammunition in a licensed weapon shall be grounds for revocation.
- d. The alteration of any previously approved weapon including, but not limited to adjusting trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

MODIFICATIONS TO LICENSES

Any licensee may apply to modify a license at any time during the period of validity by completing and submitting a written Application for License Modification along with the current processing fee to the Department in order to accomplish one or more of the following:

- 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

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

REVOCAION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Sheriff for any reason, including but not limited to:

- a. If the licensee has violated any of the restrictions or conditions placed upon the license; or
- b. If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon; or
- c. If the licensee is determined to be within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare and Institutions Code §§ 8100 or 8103; or
- d. If the licensee engages in any conduct which involves a lack of good moral character or might otherwise remove the good cause for the original issuance of the license.

The issuance of a license by the Sheriff shall not entitle the holder to either a property or liberty interest as the issuance, modification 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 and the Department of Justice pursuant to Penal Code § 12053.

LICENSE RENEWAL

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

- a. Verifying all information submitted in the renewal application under penalty of perjury;
- b. Taking an authorized training course of no less than four hours including firearms safety and the laws regarding the permissible use of a firearm;
- c. Submitting any weapon to be considered for a license renewal to the department's armorer for a full safety inspection. The renewal applicant shall also successfully complete a firearms safety and proficiency examination with the weapon to be licensed by the license renewal, to be administered by the armorer, including completion of all releases and other forms; and
- d. Payment of 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 concealed weapon 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 DOJ, whichever is later (Penal Code § 12052.5).

DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 12053, the Sheriff shall maintain a record of the following and immediately provide copies of each to the Department of Justice:

- a. The denial of license
- b. The denial of a modification to a license
- c. The issuance of a license
- d. The modification 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 a concealed weapon issued to reserve peace officers and judges.

CONFIDENTIAL RECORDS

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

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