License to Carry a Concealed Weapon

218.1 PURPOSE AND SCOPE

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

218.2 POLICY

All applications to carry concealed firearms will be fairly and impartially considered in accordance with applicable law and this policy.

218.3 QUALIFIED APPLICANTS

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

(a) Be a resident of the County of Orange (Penal Code § 26150).

(b) Be at least 21 years of age (Penal Code § 29610).

(c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.

(d) Be free from criminal convictions that would disqualify the applicant from carrying a concealed firearm. Fingerprints will be required and a complete criminal background check will be conducted.

(e) Be of good moral character (Penal Code § 26150). In order to help establish the "good moral character" of the applicant, it is suggested that the applicant submit at least three reference letters from individuals in the community who are not members of the applicant's immediate family. Although this is not a requirement, it can assist in showing the applicant's good moral character.

(f) Show good cause for the issuance of the license (Penal Code § 26150).

1. Criteria that may establish good cause include the following:

- Self-defense or personal safety.
- 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.

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- 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 firearm in their home or place of business.

(g) Pay all associated application fees. These fees are set by statute and will not be refunded if the application is denied.

1. The County of Orange fee for an initial license is waived for Reserve Peace Officers and Sheriff's Special Officers with the Orange County Sheriff's Department. The California Department of Justice fee for an initial license is required.

(h) Provide proof of ownership or registration of any firearm to be licensed for concealment upon request.

(i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a concealed firearm (Penal Code § 26190).

(j) Complete required training (Penal Code § 26165).

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218.4 APPLICATION PROCESS

The application process for a license to carry a concealed weapon must be completed by all applicants. Applicants will advance through the process until the license is either denied or issued.

(a) Application

1. Any individual applying for a license to carry a concealed weapon shall complete a California Department of Justice (DOJ) Application. The application will be submitted and signed, under penalty of perjury, during the background interview. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).

(b) Background Interview

1. The applicant will schedule an appointment with the CCW Licensing Unit to submit the completed application and conduct a background interview.
2. If an incomplete application package is received, the Sheriff or authorized designee may do any of the following:
   (a) Require the applicant to complete the package before any further processing.
   (b) Advance the incomplete package for conditional processing pending completion of all mandatory conditions.
   (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a concealed firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, etc.).

(c) Psychological Examination

1. The Sheriff may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. The purpose of any psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a concealed firearm. This testing is not intended to certify in any other aspect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a concealed firearm, the applicant shall be removed from further consideration (Penal Code § 26190(f)(1).

(d) Good Cause Determination

1. The Sheriff, or authorized designee, will review the completed application package and relevant background information and determine whether the requirement of good cause has been satisfied (Penal Code § 26150). The applicant will receive written notification of a conditional approval, or a denial if the requirement of good cause or any other statutory requirement has not been satisfied. Applicants that receive conditional approval notifications will continue in the process (Penal Code § 26202). Applicants will receive a conditional approval packet including documents referring the applicant to the training and fingerprinting portion of the process.

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(e) Training

1. The applicant shall complete a course of training approved by the Department, which complies with Penal Code § 26165. The applicant will not be required to complete or pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).
2. The applicant shall successfully complete a departmentally approved firearms safety and proficiency examination with each firearm to be licensed, and provide proof of successful completion. The cost of any training, inspection, and examination shall be the responsibility of the applicant.
3. The applicant's firearm(s) is/are subject to inspection at the discretion of the Sheriff or designated Department Member. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is deemed unsafe (Penal Code § 31910).

(f) Fingerprinting and DOJ Background Check

1. The applicant shall be required to submit to fingerprinting and a complete criminal background check. Photographs are taken on site for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, et seq., or Penal Code § 29900 or Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a concealed weapon. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).
2. Applicants may use any Live Scan fingerprinting service authorized by the California Department of Justice to complete the fingerprinting process.
   (a) A current list of Live Scan locations is available on the DOJ website at www.ag.ca.gov/fingerprints/publications/contact.php.

(g) Application Fees

1. The applicant will be required to pay all application fees associated with the CCW licensing process. Application fees include a County processing fee and a Department of Justice application processing fee.
2. Applicants will pay the DOJ application processing fee when they are fingerprinted.
   (a) Fees will be paid directly to the Live Scan fingerprinting service provider.
   (b) If the Sheriff's Department's Live Scan service is used, applicants shall submit a check made payable to the Orange County Sheriff's Department for the required DOJ application processing costs.
3. Payment of the County's fee will be required upon issuance of a license.
4. The County's fee does not include any additional fees required for training or psychological testing.
5. All fees paid are non-refundable.

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218.4.1 APPROVAL OR DENIAL NOTIFICATION

Once the Sheriff or authorized designee has verified the successful completion of the process, a final determination will be made. The application for a license to carry a concealed weapon will either be approved or denied.

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

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

218.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED WEAPON

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

An individual who is not a resident of the County of Orange, but who otherwise successfully completes all portions of the process, may 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 (Penal Code § 26150).

(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 (Penal Code § 26220).

(c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

(d) Any application for renewal or 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 (Penal Code § 26220).

218.6 ISSUED CONCEALED WEAPON 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.

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(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 weapon.

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
2. The licensee will be required to sign a 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 (Penal Code § 26200).

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 under Penal Code § 26170 to any reserve peace officer appointed pursuant to Penal Code § 830.6 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

(e) If the licensee's place of residence in Orange County was the basis for issuance of a license, and the licensee moves out of Orange County, the licenss shall expire 90 days after the licensee has moved (Penal Code § 26210).

(f) The licensee shall notify this department in writing within ten days of any change of place of residency.

218.6.1 LICENSE RESTRICTIONS

(a) The Sheriff may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:

1. Consuming any alcoholic beverage while armed.
2. Falsely representing him/herself as a peace officer.
3. Unjustified or unreasonable displaying of a weapon.
4. Committing any crime.

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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.
8. Loading the permitted firearm with illegal ammunition.

(b) The Sheriff reserves the right to inspect any license or licensed weapon at any time.

(c) The alteration of any previously approved weapon including, but not limited to adjusting the trigger pull or making modifications that create an unsafe weapon (Penal Code § 31910) shall void any license and serve as grounds for revocation.

218.6.2 AMENDMENTS TO LICENSES

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

(a) Add or delete authority to carry a firearm listed on the license.

(b) Change restrictions or conditions previously placed on the license.

(c) Change the address or other personal information of the licensee (Penal Code § 26210).

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

218.6.3 REVOCATION OF LICENSES

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

(a) The licensee has violated any of the restrictions or conditions placed upon the license.

(b) The licensee becomes psychologically unsuitable to carry a concealed firearm.

(c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, et seq., Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.

(d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.

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

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If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26195 and Penal Code § 26225).

218.6.4 LICENSE RENEWAL

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

(a) Verifying all information submitted in the renewal application under penalty of perjury.

(b) Completing a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).

(c) Paying a non-refundable renewal application fee.

1. The County of Orange fee for renewal of a license is waived for Reserve Peace Officers and Sheriff's Special Officers with the Orange County Sheriff's Department. The California Department of Justice fee for renewal of a license is required.

(d) The applicant's firearm(s) is/are subject to inspection at the discretion of the Sheriff or designated department member. The [agencyHead] reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

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

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

218.7 DEPARTMENT REPORTING AND RECORDS

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

(a) The denial of a license

(b) The denial of an amendment to a license

(c) The issuance of a license

(d) The amendment of a license

(e) The revocation of a license

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

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218.8 CONFIDENTIAL RECORDS

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

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

218.9 CCW TRAINING PROVIDERS

As part of the state requirements under Penal Code § 26165, the course of training for issuance of a license may be any course acceptable to the Sheriff's Department, shall not exceed sixteen (16) hours, and shall include instruction on at least firearms safety and the law regarding the permissible use of a firearm. For license renewal applicants, the course of training shall be no less than four (4) hours.

The Orange County Sheriff's Department (OCSD) requires that the training provided include classroom instruction and successful completion of a written examination and a practical application shooting examination. At minimum, the course must provide instruction on current applicable firearm laws, weapons safety and include hands on training. Training providers must impress upon the students the grand importance and responsibility of being licensed to carry a loaded firearm. The goal of this program is to ensure that the citizens of Orange County are provided with high quality firearms training.

The guidelines provided are minimums and not intended to be totally comprehensive.

218.10 TRAINING PROVIDER APPROVAL PROCESS

(a) Instructor Certification

1. Training providers must submit a copy of a valid form of photographic identification and proof of completion of an acceptable Firearms Instructor's Certification Course for each individual firearms instructor. Examples of acceptable courses may include, but are not limited to, courses offered by;

- A federal, state, or municipal law enforcement agency
- A branch of the United States military
- The California Bureau of Security and Investigative Services (BSIS)
- The National Rifle Association

(b) Course Materials

1. Training providers must submit their course syllabus, course materials (i.e., student materials, handouts, written examination, practical application outline, etc.) and course(s) of fire to the OCSD for review and consideration. If approved, training providers will be added to the approved training provider list maintained by the CCW Licensing Unit.

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218.11 MINIMUM STANDARDS OUTLINE

The learning objectives for the Concealed Weapons Training course shall not exceed sixteen (16) hours of training for an initial license and shall not be less than four (4) hours of training for a license renewal.

Students will be required to:

- Understand and demonstrate adequate knowledge of handgun safety and handling (to include cleaning, disassembly and assembly) and handgun storage.
- Understand and demonstrate adequate knowledge of techniques and equipment used to safely carry weapons, retain control of weapons and avoid unwarranted detection of weapons.
- Understand and demonstrate adequate knowledge of California Penal Code sections relating to firearms and sections dealing with the permissible use of a firearm.
- Understand and demonstrate adequate knowledge of locations where firearm possession is prohibited (i.e. air travel).
- Understand and demonstrate adequate knowledge of civil and penal liability laws regarding firearms for the state of California.

Prior to the live fire course, each handgun must be checked for safe and mechanically sound condition. All safety considerations and precautions must be taken during live fire and weapon handling. The student must demonstrate shooting proficiency and safe technique for all weapons to be listed on the CCW license.

Sample Course of Fire

The course of fire utilized by the Sheriff's Department is as follows:

- A passing score of 70% on a live fire course using the same weapon(s) that will be listed on the license. The live fire course will be at minimum, 72 total rounds fired at standard silhouette B-27 scoring targets placed 3, 5 and 7 yards from the shooter; 24 rounds per distance. The live fire course should be conducted after the classroom portion of the certification course.

218.12 APPROVED TRAINING PROVIDER LIST

Approved training providers will be placed on the list for a period of two years. At the end of the two year period, the training provider will be required to resubmit all instructor certifications and course materials to the OCSD for review and recertification.

Approved training providers are subject to review by the OCSD at any time. OCSD may require approved training providers to submit additional information and materials to verify compliance with minimum standards. If at any time, the OCSD determines that an approved training provider is not complying with the minimum standards, the training provider will be removed from the approved list. Training providers removed from the approved list who would like to be reconsidered

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for approval, will need to resubmit all instructor certifications and course materials for review and consideration by the CCW Licensing Unit.

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