Concealed Weapon License Procedures

218.1 PURPOSE AND SCOPE
The Sheriff is given the statutory discretion to issue a license/permit to carry a concealed firearm to residents within the jurisdiction of this department. This policy will provide a written process for the application and issuance of such licenses. As required by law, this policy shall be made accessible to the public. This policy shall be fairly applied.

218.1.1 APPLICATION OF POLICY
Nothing in this policy shall preclude the Sheriff from entering into an agreement with any chief of police within the county to process applications and licenses for the carrying of concealed weapons within that jurisdiction.

218.2 QUALIFIED APPLICANTS
In order to be granted a license to carry a concealed weapon, the applicant must meet the following requirements:

(a) Be a resident of the County of Merced or meet the criteria of section 218.4

(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.

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

(h) Be free from any medical and psychological conditions that might make the applicant unsuitable for carrying a concealed weapon.

(i) Meet the criteria hereinafter stated.

218.3 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.

218.3.1 APPLICATIONS - PHASE ONE

Phase One is to be completed by all applicants.

218.3.1.1: APPLICATION FILING REQUIREMENTS

Any individual applying for a license to carry a concealed weapon shall first fully complete a Concealed Weapons License Application (California Department of Justice: Standard Application for License to Carry a Concealed Weapon (CCW)) to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application. This application shall be submitted and reviewed for sufficiency by the Sheriff's CCW Coordinator. The CCW Coordinator may consult with the Sheriff's CCW Evaluator on all matters related to an application.

If an incomplete CCW Application is received, the Sheriff or CCW Evaluator may do any of the following:

(a) Request the applicant to complete the application before any further processing.

(b) Advance the incomplete application 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 CCW Permit even if the application was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).

The applicant shall be required to submit to Live Scan fingerprinting and a complete criminal background check by the Department of Justice (DOJ). A second set of fingerprints may be required for retention in department files. Fingerprint fees will be collected in addition to the initial application fees. No license shall be issued to any person determined to be prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm.

218.3.1.2: INVESTIGATION

During this phase, the CCW Evaluator shall be responsible for evaluating the applicant's suitability for a CCW license. The Evaluator should be recused from this function in the event circumstances arise which might conflict with the designee's ability to make an unbiased and fair decision. In that event, the Sheriff shall appoint an alternate designee to evaluate the subject application.

The applicant may be scheduled for a personal interview with the authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.

The determination of good cause for granting a CCW license will be based on the totality of circumstances in each individual case.

Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.

The Evaluator may require the applicant to provide relevant information supporting the applicant's need for a permit and/or the applicant's good moral character.

Depending on circumstances, the applicant may be required to provide written evidence from a licensed physician and/or an authorized psychologist used by the Department for psychological testing in order to determine the applicant's suitability for carrying a concealed weapon and that the applicant is not currently suffering from any medical or psychological condition that would make the individual unsuitable for carrying a concealed weapon. The costs of this psychological evaluation shall be paid by the applicant but shall not exceed the fee amount set by statute.

The psychological evaluation is 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. When psychological testing on the initial application is required, such testing shall be consistent with the requirements of the California Penal Code.

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. Failure to provide satisfactory evidence of medical or psychological fitness or requested relevant information shall result in removal of the applicant from further consideration. Medical requirements should only pertain to whether or not the applicant would be a danger to the applicant or others.

Once the CCW Evaluator has completed the evaluation of the application, the Evaluator shall forward a recommendation for approval or denial of a CCW license to the Sheriff who has the sole discretion to approve or deny the license.

If the Sheriff approves the application, the applicant must complete a weapons proficiency training course in accordance with Section 218.3.3.1 of this policy.

In the event that an application is denied at the conclusion of or during phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. If a request for a license is denied based on lack of good cause, the notice of denial shall state the reason from this Department's policy.

218.3.2 FEES

The application fee is $50.00 of which a non-refundable fee ($10.00) will be collected upon filing of the initial application. The balance of the fee ($40.00) will be collected only upon issuance of the CCW permit.

The application fee does not include any additional fees required for fingerprinting, training or medical or psychological testing, as may be required or permitted, by code.

Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined by law.

218.3.3 APPLICATION - PHASE TWO

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

218.3.3.1 WEAPONS PROFICIENCY
Upon preliminary approval of the permit (after reviewing the results of the Live Scan examination and DOJ criminal background investigation), the applicant shall complete a 16 hour course of training approved by the agency minimally including firearms safety and the laws regarding the permissible use of a firearm.

The applicant shall successfully complete the firearms safety and proficiency examination with the weapon to be licensed, to be administered by the department Rangemaster or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of the release contained in the Standard Application.

An applicant who has already successfully completed the weapons proficiency course prior to the approval of the application shall still be required to successfully pass only the shooting portion of the course if the date of last successful pass was more than 6 (six) months prior to the approval of the permit.

218.3.3.2 WEAPONS INSPECTION
The Sheriff may require that an applicant submit any weapon to be considered for licensing purposes to the department's Rangemaster for a safety inspection. The Sheriff reserves the right to deny a license for any weapon that is illegal or that the Sherriff deems unsafe, which shall not include any firearm that may lawfully be possessed or transferred under California's Unsafe Handgun Act (Penal Code §31900 *et seq*.).

The illegal or unsafe alteration of any previously approved weapon including, but not limited to adjusting trigger pull, adding laser sights or modifications shall require resubmission of the weapon to be considered for licensing purposes to the department's Rangemaster for a safety inspection.

A maximum of three weapons may be listed on the concealed weapon permit.

218.4 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED WEAPON
The authority to issue a limited business license to carry a concealed weapon to a nonresident 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. Therefore, such applicants may be referred to the Sheriff for processing.

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

(a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the County of Merced.

(b) Such a license will be valid for a period not to exceed 90 days from the date of issuance.

(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 reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides.

218.5 ISSUED CONCEALED WEAPONS PERMITS

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

(a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the concealed firearm.

1. All such restrictions or conditions shall be conspicuously noted on any license Issued.

2. The licensee will be required to sign the license, which may contain Restrictions and Conditions. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

(b) The license shall bear 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.

(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 issuance, the license shall expire ninety (90) days after the licensee has moved.

218.5.1 LICENSE RESTRICTIONS

The Sheriff may place special restrictions limiting time, place and circumstances under which any license shall be valid. In addition to those restrictions set forth by law, the following restrictions shall apply if conspicuously noted on the license:

(a) The license shall not apply:

(i) While licensee consumes or is under the influence of any alcoholic beverage.

(ii) While the licensee is under the influence of any medication or drug whether prescribed or not which according to the licensee's treating physician or the manufacturers' warning labels provide notice that the drug(s) may impair mental and/or physical capabilities.

(iii) To any firearms not listed on the license.

(iv) At any location where alcohol is being served.

(v) While in the commission of any crime.

(vi) Outside the state of California.

(vii) To firearms loaded with non-factory manufactured ammunition.

(viii) To any previously approved weapon with illegal or unsafe alteration.

(b) The licensee shall not:

(i) Refuse to show the license or provide for inspection the concealed weapon and ammunition carried under the license to any peace officer upon lawful demand.

(ii) Interfere with any law enforcement officer's duties.

(iii) Falsely represent himself or herself as a peace officer.

(iv) Brandish a firearm unreasonably or without justification.

(v) Carry more than one weapon concealed at a time.

(c) The licensee shall:

(i) Whenever contacted by a law enforcement official, in the event the licensee is carrying any concealed firearm under the license, the licensee must advise that official of the presence of the firearm(s).

(ii) Not fail to report any arrest of the licensee and/or conviction of a crime of the licensee.

(iii) Be responsible for complying with the laws and regulations concerning firearms and weapons of those respective carriers, facilities and properties.

(iv) Immediately notify this department of any restraining orders, arrests or warrants that are issued against the licensee.

218.5.2 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 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 amendment to a valid license is approved by the Sheriff, a new license will be issued reflecting the amendment(s). 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.

218.5.3.1 REVOCATION OF LICENSES

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

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

(b) If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon.

(c) If the licensee is determined to be prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm.

(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.

(e) If any license is revoked, the Department will immediately notify the licensee and the Department of Justice pursuant to law.

(f) If there is a material change in circumstances such that there is no longer good cause for the CCW permit.

(g) Misrepresentation during the application process.

218.5.3.1 SHORTENED TERMS

If a licensee's place of residence was the basis for issuance of a license, the term of a license by the Sheriff shall be shortened to 90 days after the licensee’s residence is no longer within the County of Merced. If a licensee's place of business was the basis for issuance of a license, such license issued shall expire

immediately after the licensee's business is no longer within the County of Merced. Such shortened terms shall not be deemed revocations.

218.5.4 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 original application under penalty of perjury.

(b) Payment of a nonrefundable renewal application fee.

(c) Sheriff may require additional information to verify and update the basis for issuance.

Once the Sheriff or authorized designee has verified the successful completion of renewal process, the renewal of the license to carry a concealed weapon will either be granted or denied – pending successful completion of the authorized training course. Approved renewal applicants shall complete an authorized training course of no less than four hours including firearms safety and the laws regarding the permissible use of a firearm. Approved renewal applicants shall also submit any weapon to be considered for a license renewal to the department's Rangemaster for a full safety inspection. 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.

218.6 DEPARTMENT REPORTING AND RECORDS
To the extent required by law, the Sheriff shall maintain a record of the following and immediately provide copies of each to the Department of Justice:

(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 weapons issued to reserve peace officers and judges.

218.7 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)).