

License to Carry a Firearm

206.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code § 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

206.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police [department/office] from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police [department/office] to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

206.2 POLICY

The Downey Police Department will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

206.3 QUALIFIED APPLICANTS

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

- (a) Be a resident of the City of Downey (Penal Code § 26150; Penal Code § 26155).
- (b) Be at least 21 years of age (Penal Code § 29610).
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.
- (e) Be of good moral character (Penal Code § 26150; Penal Code § 26155). Legal judgments of good moral character can include consideration of honesty, trustworthiness, diligence, reliability, respect for the law, integrity, candor, discretion, observance of fiduciary duty, respect for the rights of others, absence of hatred and racism, profession-specific criteria such as pledging to honor the constitution and uphold the law, and the absence of criminal conviction. Refer to 206.3.1 for further.
- (f) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (g) Provide proof of ownership or registration of any firearm to be licensed.
- (h) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).

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- (i) Complete required training (Penal Code § 26165).

206.3.1 POTENTIAL REASONS WHY A CCW APPLICATION/PERMIT MAY BE DENIED OR REVOKED

FEDERAL - Title 18, U.S.C., Section 922 (g)(1) - Convicted in Court - Term exceeding 1 year

FEDERAL - Title 18, U.S.C., Section 922 (g)(2) - Fugitive from Justice

FEDERAL - Title 18, U.S.C., Section 922 (g)(4) - Adjudicated Mental Defective

FEDERAL - Title 18, U.S.C., Section 922 (g)(5) - Illegally in the US

FEDERAL - Title 18, U.S.C., Section 922 (g)(6) - Dishonorable Discharge

FEDERAL - Title 18, U.S.C., Section 922 (g)(7) - Renounced Citizenship

FEDERAL - Title 18, U.S.C., Section 922 (g)(8) - Court Order - Harassment/Stalking

FEDERAL - Title 18, U.S.C., Section 922 (g)(9) - Misdemeanor Crime of Domestic Violence conviction

FEDERAL - Title 18, U.S.C., Section 922 (g)(n) - punishable by imprisonment for more than one year

FEDERAL - Title 18, U.S.C., Section 922 (g)(3) - Unlawful users of controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))

Applicant adjudicated by a state or federal court as being Mentally Incompetent to stand trial, been committed to a mental institution, or found not guilty by reason of insanity for a felony.

Discharged from custody in the preceding 20-years after a finding of not guilty of a crime by reason of mental disease or defect; or confined to a mental hospital in the 12 months before applying for a permit or certificate.

Danger to themselves or others due to a past pattern of behavior or threats involving unlawful violence (including threats or attempts of suicide).

Juvenile delinquency in the past 7-years for an offense that would be deemed a violent offense if committed when an adult.

Illegal drug use in last 5-years.

Any Felony conviction (a crime with a jail term exceeding 1-year) making possession of a firearm illegal.

Changing address of residence, but did not update the Department of Motor Vehicles and/or advise CCW Bureau of the change in address of residence.

Bringing a firearm into a prohibited area.

Subject to a firearm seizure order issued after notice and a hearing.

Any conviction for a crime involving Domestic Violence in any state.

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A conviction for a crime of Moral Turpitude including but not limited to (fraud, theft, tax evasion, issuing bad checks, robbery, bribery, perjury, extortion, arson, rape, terrorism, burglary, attempted lewd acts on a minor, child abuse, felon in possession of firearm, falsifying government records, forgery, receiving stolen property, burglary, vandalism, kidnapping).

Outstanding warrant for arrest (Wanted Person or fugitive from justice).

Conviction for a Crime of Violence.

Current subject of a Protective Order.

Not qualified to purchase or possess a dangerous weapon or handgun pursuant to federal law (a Restricted Person).

Renounced your US Citizenship.

Does not have primary residence in the City of Downey.

Under the age of 21-years-old.

Dishonorable discharge from the U. S. Military, reported military domestic violence conviction, convicted of domestic violence (1996 Lautenberg Act).

Any arrest in the last 5-years, regardless of the disposition.

Any conviction in the last 7-years.

Dishonesty on the application and/or during interview or failure to disclose information.

Pattern of irresponsibility, including but not limited to, suspended driver's license, numerous traffic citations, or civil lawsuits.

Domestic violence or behavioral issues which are not necessarily criminal.

Use of marijuana within 1-year of the application date. Any use within 1-year of the application date may be subject to case-by-case review, depending upon the amount of usage and the time of occurrence.

Possession of a Medical Cannabis Card 1-year from the expiration date of that card. Possession of a Medical Cannabis Card within 1-year of application date may be subject to case-by-case review, depending upon the amount of usage and the last time of occurrence.

206.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California Department of

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Justice (DOJ) determines that the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26195).

206.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California DOJ application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180). Based on direction from the department, the application may be submitted to a designated vendor for initial review.
 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
 2. If an incomplete application package is received, the Chief of Police or the authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction).
- (b) Applicant fees shall be submitted and processed according to [department/office]-established procedures and Penal Code § 26190.
 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in [department/office] files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for [department/office] use.
- (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

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Once the Chief of Police or the authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

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

206.4.2 PHASE TWO

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

- (a) The applicant shall be required to take part in a psychological exam at an authorized psychologist used by the [Department/Office] for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).
- (b) The applicant shall complete a course of firearms training approved by the [department/office], which complies with Penal Code § 26165 (Penal Code § 26165). The applicant shall demonstrate proficiency with each firearm (up to three total) to be listed as an approved firearm on the CCW permit.
- (c) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other [department/office] authorized gunsmith, at no cost to the applicant, for a full safety inspection. This inspection may also be done by the designated training facility when the applicant completes his/her required firearms training. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the [department/office] Rangemaster, or provide proof of successful completion of another [department/office]-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Upon successful completion of phase one and phase two, the applicant shall be scheduled for a personal interview with the Chief of Police, or authorized designee. During this stage, there will be further discussion of any potential restrictions or conditions that might be placed on the license.

Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied.

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

206.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Downey (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or 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).

206.6 ISSUED FIREARMS PERMITS

In the event a license to carry a firearm is issued by the Chief of Police, the following shall apply:

- (a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which the person may carry the firearm.
 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
 3. The licensee shall also be provided a copy of the Downey Police Department's "License to Carry a Firearm" policy (206) for reference and review.
- (b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm(s), restrictions, and other pertinent information clearly visible.
 1. Each license shall be numbered and clearly identify the licensee.

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2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this [department/office] in writing within 10 days of any change of place of residency.

206.6.1 LICENSE RESTRICTIONS

- (a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid.
- (b) The licensee is prohibited from:
1. Consuming any alcoholic beverage while armed.
 2. Falsely representing him/herself as a peace officer.
 3. Unjustified or unreasonable displaying of a firearm.
 4. Committing any crime.
 5. Being under the influence of any medication or drug while armed.
 6. Interfering with any law enforcement officer's duties.
 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
 8. Loading the permitted firearm with illegal ammunition.
- (c) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.
- (d) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

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206.6.2 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/Office] in order to (Penal Code § 26215):

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change restrictions or conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

206.6.3 REVOCATION OF LICENSES

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

- (a) The licensee has violated any of the restrictions or conditions placed upon the license.
- (b) The licensee becomes psychologically unsuitable to carry a firearm.
- (c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103, or any state or federal law.
- (d) The licensee engages in any conduct which involves a lack of good moral character for the original issuance of the license.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

The issuance of a license by the Chief of Police 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 Chief of Police as set forth herein.

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

206.6.4 LICENSE RENEWAL

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

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a [department/office]-approved training course pursuant to Penal Code § 26165.

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- (c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying a non-refundable renewal application fee.

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

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

206.7 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 26225, the Chief of Police 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 Chief of Police shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

206.8 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered public record (Government Code § 7923.805).

Any information in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of the applicant's family shall not be considered public record (Government Code § 7923.800).