

## 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 shall 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 shall 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:

1. Be a resident of the County of Orange, except for persons living in another county and working in the County of Orange, as set forth in §218.5 below(Penal Code \_ § 26150).
2. Be at least 21 years of age. (Penal Code \_ §27510).
3. 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.
4. Be free from criminal convictions that would disqualify the applicant from carrying a concealed firearm. Fingerprints shall be required and a complete criminal background check shall be conducted.
5. Be of good moral character as outlined in section 218.4. (Penal Code § 26150)
6. Pay all associated application fees. These fees are set by statute and shall not be refunded if the application is denied.
  - (a) 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.
7. Provide proof of ownership or registration of any firearm to be licensed for concealment upon request.
8. Be free from any psychological conditions that might make the applicant unsuitable for carrying a concealed firearm (Penal Code § 26190).
9. Complete required training (Penal Code § 26165).

# Orange County Sheriff-Coroner Department

## Orange County SD Policy Manual

### *License to Carry a Concealed Weapon*

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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, new and renewal. Applicants shall advance through the process until the license is either denied or issued, unless the application is withdrawn.

1. Application
  - (a) Any individual applying for a license to carry a concealed weapon shall complete a California Department of Justice (DOJ) Application. The application shall be submitted and signed, under penalty of perjury, during the background interview.
  - (b) Any applicant who provides false information or statements on the application shall be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
  - (c) If at any step of the application process, the Sheriff or designee determines that the application package is incomplete, the Sheriff or authorized designee may do any of the following:
    1. Require the applicant to complete the package before any further processing.
    2. Advance the incomplete package for conditional processing pending completion of all mandatory conditions.
    3. Withdraw the application.
    4. 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.).
2. Background Check
  - (a) Applicants will be required to submit to a live scan criminal background check, at their own expense, and a local records check as part of the application process. Upon receipt of the criminal background results from the California Department of Justice, FBI and local records check, the CCW licensing unit will conduct an additional evaluation.
  - (b) No person determined to fall within a prohibited class described in Penal Code § 29800, et seq., Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a concealed weapon.
    1. Applicants may use any Live Scan fingerprinting service authorized by the California Department of Justice to complete the fingerprinting process.
    2. A current list of Live Scan locations is available on the DOJ website at [www.ag.ca.gov/fingerprints/publications/contact.php](http://www.ag.ca.gov/fingerprints/publications/contact.php).
  - (c) A license shall not be issued if the California Department of Justice determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

# Orange County Sheriff-Coroner Department

## Orange County SD Policy Manual

### *License to Carry a Concealed Weapon*

---

- (d) A license shall not be issued to an applicant if their criminal background check reveals information establishing that they do not meet the requirements of good moral character as outlined in 218.4.1. (Penal Code § 26150).
- 3. Interview: As part of the application process, the applicant shall schedule a personal interview with the Sheriff or authorized designee. During the interview, there will be further discussion of the applicant's application materials, any information learned through the background investigation, and any potential restrictions or conditions that might be placed on the license.
- 4. Psychological Examination
  - (a) The Sheriff or authorized designee may require 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)).
- 5. Training & Firearm Safety
  - (a) The applicant shall complete a course of training approved by the Department, which complies with Penal Code § 26165. The applicant shall not be required to complete or pay for any training courses prior to a conditional approval.
  - (b) 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.
  - (c) The applicant's firearm(s) is/are subject to inspection at the discretion of the Sheriff or authorized designee. 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).
- 6. Application Fees
  - (a) The applicant shall 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. (Penal Code § 26190).
    - 1. The first 20 percent of this fee shall be collected upon filing of the initial application.
    - 2. The balance of the fee shall be collected only upon issuance of the license.
  - (b) Applicants shall pay the DOJ application processing fee when they are fingerprinted.
    - 1. Fees shall be paid directly to the Live Scan fingerprinting service provider.

# Orange County Sheriff-Coroner Department

Orange County SD Policy Manual

## *License to Carry a Concealed Weapon*

---

2. If the Sheriff's Department's Live Scan service is used, applicants shall make payment via credit card or submit a check made payable to "County of Orange, Sheriff's Department" for the required DOJ application processing costs.
  - (c) Payment of the County's fee will be required upon issuance of a license.
  - (d) The County's fee does not include any additional fees required for training or psychological testing.
  - (e) All fees paid are non-refundable.

### 218.4.1 GOOD MORAL CHARACTER DETERMINATION

A determination regarding whether an applicant satisfies the good moral character requirement may only be based on objectively ascertainable criteria. (Penal Code § 26150, 26155). These criteria shall include whether the applicant:

- (a) Is prohibited from owning or possessing firearms pursuant to Penal Code §§ 29800, 29805, or 29900, Welfare and Institutions Code §§ 8100 or 8103, 18 U.S.C. § 922(g), or any state or federal law;
- (b) In the last 10 years, has been convicted of any misdemeanor offense or infraction involving the unlawful, reckless, or negligent use, discharge, display, storage, brandishing, possession, sale, receipt, or transfer of a firearm. This subsection shall include convictions for attempt, conspiracy, or solicitation of any firearm-related offense;
- (c) To the extent not covered by (a) or (b) above, has been convicted of any misdemeanor offense or infraction in the last 5 years that involves: (1) the use or threat of violence or force, (2) unlawful possession, use, discharge, display, storage, brandishing, sale, receipt, or transfer of a weapon; (3) sexual abuse or exploitation, (4) child or elder abuse or endangerment, (5) false imprisonment, (6) fraud, embezzlement, bribery, money laundering, or other crimes involving dishonesty; (7) the sale, distribution, manufacture, or trafficking of controlled substances; or (8) involvement in a criminal street gang. This subsection shall include convictions for attempt, conspiracy, or solicitation of any such offenses;
- (d) Has been subject to any restraining order, protective order, or other type of court order issued pursuant to §§ 6240-6389 of the Family Code; § 136.2 and §§ 18100- 18205 of the Penal Code; §§ 527.6, 527.8, and 527.85 of the Code of Civil Procedure; or §§ 213.5, 304, 362.4, 726.5, or 15657.03 of the Welfare and Institutions Code, unless that order expired or was canceled more than ten years ago;
- (e) Has an outstanding warrant for their arrest;
- (f) Has been adjudicated a ward of the court for a Welfare and Institutions Code section 707(b) offense;
- (g) Within the last year (1 year), has experienced the loss or theft of a firearm due to the applicant's lack of compliance with federal, state, or local law regarding storing, transporting, or securing the firearm;

## *License to Carry a Concealed Weapon*

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- (h) Makes a material false statement or omission on the application and/or during the interview, or otherwise fails to disclose required information on any underlying portions of the application (i.e.: Dealer Record of Sales, etc.).
- (i) Is reasonably likely to be a danger to self, others, or the community at large based on a past pattern of behavior or threats involving unlawful violence (including threats or attempts of suicide). In making this determination, the Sheriff or authorized designee shall use an objective inquiry considering the facts and circumstances known at the time of the application or through the Sheriff's Department's investigation.

**The Sheriff or authorized designee may make a determination as to the good moral character at any step of the application process described above. In the event that an application is denied on the basis that the applicant fails to demonstrate good moral character, the denial shall state the basis on which the Sheriff or authorized designee determined that good moral character was not established.**

### 218.4.2 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 shall 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:

1. 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).
2. 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).

# Orange County Sheriff-Coroner Department

Orange County SD Policy Manual

## *License to Carry a Concealed Weapon*

---

3. 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).
4. 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:

1. The license shall not be valid outside the State of California, unless recognized by another State.
2. The license shall 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.
  - (a) All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
  - (b) The licensee shall 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.
3. 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.
  - (a) Each license shall be numbered and clearly identify the licensee.
  - (b) All licenses shall be subject to inspection by the Sheriff or any law enforcement officer.
4. The license shall be valid for a period not to exceed two years from the date of issuance (Penal Code § 26200).
  - (a) A license issued to state or federal magistrate, commissioner, or judge shall be valid for a period not to exceed three years.
  - (b) A license issued under Penal Code § 26170 to any reserve peace officer appointed pursuant to Penal Code § 830.6 shall 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.
5. 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 license shall expire 90 days after the licensee has moved (Penal Code § 26210).
6. The licensee shall notify the CCW licensing unit in writing within ten days of any change of place of residency. Failure to notify the CCW licensing unit of a change in the place of residency may result in revocation of the licensee's license.

# Orange County Sheriff-Coroner Department

## Orange County SD Policy Manual

### *License to Carry a Concealed Weapon*

---

7. The licensee shall notify the CCW licensing unit in writing within five days of any arrests, law enforcement contact resulting from a criminal investigation, or when the licensee becomes subject of a restraining order.

#### 218.6.1 LICENSE RESTRICTIONS

1. The Sheriff may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions shall prohibit the licensee from:
  - (a) Consuming any alcoholic beverage while armed.
  - (b) Being in a place, while armed, having a primary purpose of dispensing alcohol for on-site consumption.
  - (c) Falsely representing him/herself as a peace officer.
  - (d) Unjustified or unreasonable displaying of a weapon.
  - (e) Committing any crime.
  - (f) Being under the influence of any medication causing physical or mental impairment or any illicit drug while armed.
  - (g) Interfering with any law enforcement officer's duties.
  - (h) Refusing to display his/her license or weapon for inspection upon demand of any peace officer.
  - (i) Loading the permitted firearm with illegal ammunition.
  - (j) Carrying a concealed weapon not listed on the license.
  - (k) Bringing a concealed weapon into prohibited areas, such as schools, federal buildings, airports, courthouses, mass transit facility sterile areas (Penal Code § 171.7), or any other area where firearms are prohibited by local, state, or federal law.
2. The above list is non-exhaustive and does not preclude the Sheriff or authorized designee from imposing other reasonable restrictions as to the time, place, manner, and circumstances under which the licensee may carry a concealed weapon.
3. The Sheriff reserves the right to inspect any license or licensed weapon at any time.
4. 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):

1. Add or delete authority to carry a firearm listed on the license.
2. Change restrictions or conditions previously placed on the license.

# Orange County Sheriff-Coroner Department

## Orange County SD Policy Manual

### *License to Carry a Concealed Weapon*

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3. 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, shall require a new license to be issued reflecting the amendment. An amendment to any license shall not serve to extend the original expiration date and an application for an amendment shall not constitute an application for renewal of the license.

#### 218.6.3 REVOCATION/SUSPENSION OF LICENSES

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

1. The licensee has violated any of the restrictions or conditions placed upon the license.
2. The licensee becomes psychologically unsuitable to carry a concealed firearm.
3. 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.
4. The licensee no longer meets the objective requirements of good moral character that were required to issue 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/suspension of such license remains exclusively within the discretion of the Sheriff as set forth herein.

If any license is suspended due to lack of compliance with federal, state or local law, the licensee may be required at the discretion of the Sheriff or authorized designee to attend a firearms safety refresher course with an approved training provider.

If any license is revoked, the Department shall immediately notify the licensee in writing and provide notice to 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:

1. Verifying all information submitted in the renewal application under penalty of perjury.
2. 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 a conditional approval.
3. Paying a non-refundable renewal application fee.
  - (a) 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.



# Orange County Sheriff-Coroner Department

Orange County SD Policy Manual

## *License to Carry a Concealed Weapon*

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4. 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 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 shall 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:

1. The denial of a license
2. The denial of an amendment to a license
3. The issuance of a license
4. The amendment of a license
5. 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.

### **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 § 7923.805).

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 § 7923.800).

### **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 Department that is no less than eight (8) hours and 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 Department requires that the training provided include classroom instruction and successful completion of a written examination and a practical application shooting examination. At minimum,

# Orange County Sheriff-Coroner Department

Orange County SD Policy Manual

## *License to Carry a Concealed Weapon*

---

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**

#### 1. Instructor Certification

- (a) 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;
  1. A federal, state, or municipal law enforcement agency
  2. A branch of the United States military
  3. The California Bureau of Security and Investigative Services (BSIS)
  4. The National Rifle Association
- (b) All firearm instructor certifications must be current and in good standing for the duration of the two-year period they remain on the department's approval list.

#### 2. Course Materials

- (a) 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 Department for review and consideration. If approved, training providers shall be added to the approved training provider list maintained by the CCW Licensing Unit.

### **218.11 MINIMUM STANDARDS OUTLINE**

The learning objectives for the Concealed Weapons Training course shall not be less than eight (8) hours and 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:

1. Understand and demonstrate adequate knowledge of handgun safety and handling (to include cleaning, disassembly and assembly) and handgun storage.
2. Understand and demonstrate adequate knowledge of techniques and equipment used to safely carry weapons, retain control of weapons, and avoid unwarranted detection of weapons.
3. Understand and demonstrate adequate knowledge of California Penal Code sections relating to firearms and sections dealing with the permissible use of a firearm.

# Orange County Sheriff-Coroner Department

Orange County SD Policy Manual

## *License to Carry a Concealed Weapon*

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4. Understand and demonstrate adequate knowledge of locations where firearm possession is prohibited (i.e. air travel).
5. Understand and demonstrate adequate knowledge of civil and penal liability laws regarding firearms for the state of California.
6. Training Certificate-All training providers must issue a training certificate for each student to include the following:
  - (a) Training Provider's Business Name
  - (b) Student's Name
  - (c) Student Driver's license number
  - (d) Training/Live Fire date(s)
  - (e) Classroom and live fire location
  - (f) Type of training (Initial, Renewal, Amendment)
  - (g) Accurate weapon information (make, model, caliber, serial number, barrel length, color/finish)
  - (h) Student and trainer signatures

All training providers must verify information on the certificate is complete and accurate prior to issuing them to the students. Training providers are responsible for the accuracy of the certificate. Failure to comply with these requirements may be grounds for removal from the approved training provider list.

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 Department is as follows:

1. A passing score of 70% on a live fire course using the same weapon(s) that shall be listed on the license. The live fire course shall 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 shall be placed on the list for a period of two years. At the end of the two year period, the training provider shall be required to resubmit all instructor certifications and course materials to the Department for review and recertification.

Approved training providers are subject to review by the Department at any time. The Department may require approved training providers to submit additional

# Orange County Sheriff-Coroner Department

Orange County SD Policy Manual

## *License to Carry a Concealed Weapon*

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information and materials to verify compliance with minimum standards. If at any time, the Department determines that an approved training provider is not complying with the minimum standards, the training provider shall be removed from the approved list. Training providers removed from the approved list who would like to be reconsidered for approval, shall need to resubmit all instructor certifications and course materials for review and consideration by the CCW Licensing Unit.