
License to Carry a Firearm

207.1 PURPOSE AND SCOPE

The Sheriff is given the statutory discretion based on objectively ascertainable criteria to issue a license to carry a firearm to residents within the community. (Penal Code § 26150) This policy, with the attached schedule A, provides 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.

207.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police 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 office to process all applicable applications and license renewals for the carrying of concealed weapons. (Penal Code § 26150; Penal Code § 26155)

207.2 POLICY

The Santa Clara County Sheriff's Office will fairly, objectively, and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

207.3 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 Santa Clara County (Penal Code § 26150).
- (b) Meet the minimum age requirement set forth in state law (Penal Code § 29610).
- (c) Fully complete an application on a form prescribed by the California Department of Justice (DOJ) (Penal Code § 26175) that will include substantial personal information. Much of the information in the application may be subject to public access under the California 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)
- (f) Pay all associated application fees. These fees are set by California statute and shall not be refunded if the application for the license 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

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for carrying a firearm (Penal Code § 26190).

- (i) Complete required training. (Penal Code § 26150; Penal Code § 26165)

207.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of multiple steps. These steps, and the associated application materials and fees, are outlined in Schedule A. Upon the successful completion of each step, the applicant will advance to the next step until the process is completed and the license is either issued or denied.

- (a) Applicants must complete the standard State application form. (Penal Code § 26175). 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) 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 either of the following:
 - 1. Require the applicant to complete the package before any further processing.
 - 2. 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, failure to demonstrate good moral character).
- (c) **Criminal Background Check:** As described in Schedule A, applicants will be required to submit to a LIVESCAN criminal background check and a local records check as part of the application process. Upon receipt of the criminal background information from the California DOJ and FBI and a review of local records, a committee within the Sheriff's Office will conduct an additional evaluation.
 - 1. No person determined to fall within the 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.
 - 2. 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).
 - 3. 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 that term is defined below)

- (d) **Interview:** As part of the application process, the applicant shall be scheduled for

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a personal interview with the Sheriff or authorized designee. During this 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.

- (e) **Psychological Testing:** As Described in Schedule A, the applicant shall satisfactorily complete a psychological exam. Applicants will be referred to an authorized psychologist used by the Sheriff's 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 issues 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).

- (f) **Training and Firearm Safety:** As described in Schedule A, the applicant shall successfully complete and pay for a course of training approved by the Sheriff's Office, which complies with Penal Code § 26165.
 - 1. This firearm training and qualification course shall include live-fire shooting exercises on a firing range and a demonstration by the applicant of safe handling of, and shooting proficiency with, each firearm that the applicant is applying to be licensed to carry.
 - 2. The applicant will be required to submit proof of the course completion and all other required forms. The cost of this course and certifications shall be the responsibility of the applicant.
 - 3. For the list of authorized training providers and approximate costs, refer to the attached scheduled A.
 - 4. The California POST approved firearms certification course, which meets or exceeds the minimum CCW training standards, may be excepted for Santa Clara County Reserve Deputy Sheriffs in lieu of courses outlined on the Schedule A vendor list.
 - 5. The applicant may be required to submit any firearm to be considered for a license to the Sheriff's Office Rangemaster or other office authorized gunsmith, at no cost to the applicant, for a full safety inspection. 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). Upgrades to gun sights and grips that do not affect the safe operation of the firearm are permitted.

(g) **Authority to Conduct Additional Investigation**

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1. If at any step of the application process, the Sheriff or designee identifies discrepancies in the applicant's application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
 2. The Sheriff or authorized designee may engage in such further investigative efforts as necessary to determine if the applicant satisfies the statutory criteria for a license. However, the Sheriff or authorized designee may not require an applicant to provide additional information beyond that required by the standard DOJ application form, except to the extent required to clarify or interpret information provided by the applicant on the standard application form. (Penal Code § 26175(g))
- (h) **Fees:** Schedule A describes the applicable fees and when they must be paid. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee. 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).
- (i) **Issuance or Denial of Application:** The Sheriff or designee shall give written notice to the applicant indicating if the license is approved or denied. The licensing authority shall give this notice within 90 days of the initial application for a new license or a license renewal, or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied.

207.4.1 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; *New York State Rifle & Pistol Ass'n v. Bruen* (2022) 142 S. Ct. 2111.) 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

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- exploitation, (4) child or elder abuse or endangerment, (5) false imprisonment, (6) fraud, embezzlement, bribery, money laundering, or other crimes involving dishonesty; (6) the sale, distribution, manufacture, or trafficking of controlled substances; or (7) 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 10 years, 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;
 - (h) Makes a material false statement or omission on the application and/or during the interview, or otherwise fails to disclose required information.
 - (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 Office'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.

207.5 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 office may not issue limited licenses. (Penal Code § 26150)

An individual who is not a resident of the county but who otherwise successfully completes all parts of the application process described above and in Schedule A, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

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- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within Santa Clara County. (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 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. (Penal Code § 26220)

207.6 ISSUED FIREARMS LICENSES

In the event a license to carry a firearm 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 or designee 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.
- (b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, 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.
- (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

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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 the Sheriff's Office in writing within 10 days of any change of place of residency. Notice shall be provided as specified in Schedule A. Failure to notify the Sheriff's Office of a change in the place of residency may result in revocation of the licensee's license.

207.6.1 LICENSE RESTRICTIONS

- (a) Licenses issued by the Sheriff shall be subject to restrictions that prohibit the licensee from:
 - 1. Consuming any alcoholic beverage while armed.
 - 2. Falsely representing themselves as a peace officer.
 - 3. Unjustified or unreasonable displaying of a firearm.
 - 4. Being under the influence of any medication causing physical or mental impairment or any illicit drug while armed.
 - 5. Being in a place having a primary purpose of dispensing alcoholic beverages for on-site consumption while armed.
 - 6. Interfering with any law enforcement officer's duties.
 - 7. Refuse to show license or surrender weapon to law enforcement upon request.
 - 8. Refuse to disclose, when stopped or detained asked by law enforcement, your status as a CCW license holder when you are carrying a weapon on your person or in your vehicle
 - 9. Loading the licensed firearm with illegal ammunition.
 - 10. Carrying a concealed weapon not listed on the license.
 - 11. 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.
 - 12. Committing any crime. You must report any arrest to the Santa Clara

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County Sheriff's Office CCW Unit within 10 days.

- (b) 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.
- (c) The Sheriff 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, , or modifications beyond sight and grip upgrades shall void any license and serve as grounds for revocation.

207.6.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a State Standard Modification form online and providing the additional information and fees described in Schedule A. An applicant may modify their license in order to:

- (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 Sheriff, 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.

207.6.3 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 firearm.
- (c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29805, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.
- (d) The licensee no longer meets the objective requirements of good moral character.

The issuance of a license by the Sheriff shall not entitle the holder to either a property or

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liberty interest as the issuance, amendment, or revocation of such license remains exclusively within the discretion of the Sheriff as set forth herein.

If any license is revoked, the Sheriff's Office will immediately notify the licensee in writing and the California DOJ. (Penal Code § 26225)

207.6.4 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 Sheriff for a renewal by:

- (a) Completing a renewal application and submitting the additional information described in Schedule A.
- (b) Completing a Sheriff's Office-approved training course pursuant to Penal Code § 26165.
- (c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. 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)
- (d) Paying a non-refundable renewal application fee.
- (e) The Sheriff may choose to engage in additional investigative efforts, including possible additional psychological testing if there is compelling evidence of a public safety concern. The applicant may be charged for the cost of the assessment as specified by statute. (Penal Code § 26190)

Once the Sheriff or 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).

207.7 OFFICE 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

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- (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 firearms issued to reserve peace officers and judges.

207.8 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 a public record. (Government Code § 6254(u)(2))

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 his/her family shall not be considered a public record. (Government Code § 6254(u)(1))

207.9 POLICY TRACKING

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Sheriff Robert Jonsen

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