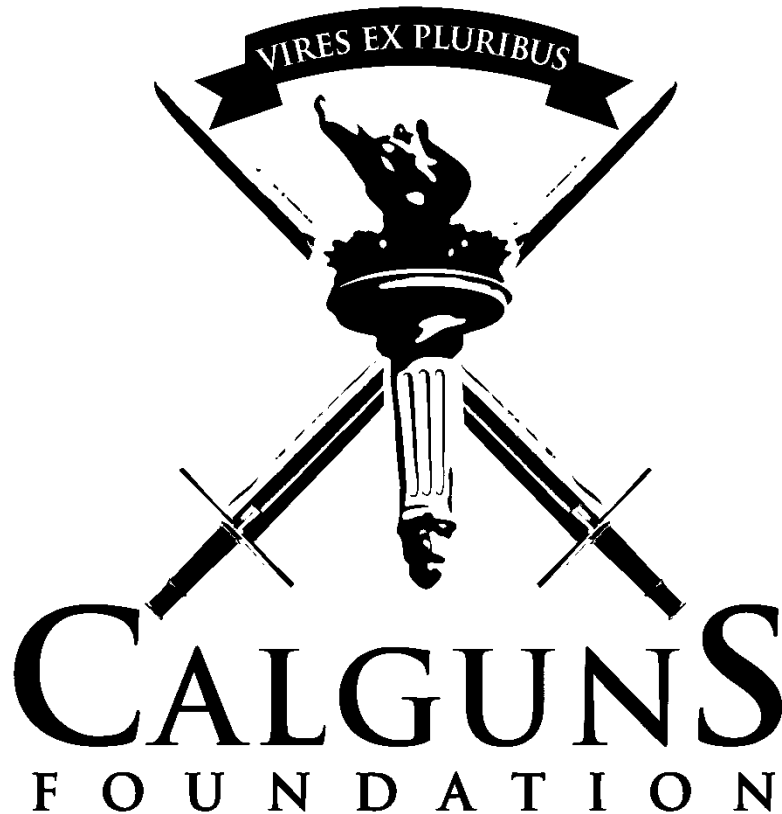


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**Kern County Sheriff's Office
Policies And Procedures**

| | | | |
|--|---------------------------------|--------------------------------|--|
| TITLE: CONCEALED WEAPONS PERMIT | | | NO: J 2400 - Concealed Weapons Permit |
| APPROVED: Donny Youngblood, Sheriff-Coroner | | | |
| EFFECTIVE: March 6, 2003 | REVIEWED: 08-04-2010 | REVISED: 08-04-2010 | UPDATED: 08-04-2010 |

POLICY

It is the policy of the Kern County Sheriff's Office to distribute, accept, and review applications for the issuance of Carrying a Concealed Weapon (CCW) licenses to any resident within its jurisdiction. Individuals requesting a CCW license must satisfactorily meet various guidelines and demonstrate a valid need for issuance of a concealed weapon license.

Reference: California Penal Code Section 12050(a)(1)(A) and (B) state in part that: "The sheriff of a county, chief or other head of a municipal police department of any city or county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a resident of the county or city within the county, may issue to that person a license to carry a pistol, revolver, or other firearm capable of being concealed upon that person..."

GOOD CAUSE DEFINED:

Good Cause to obtain the CCW license is viewed in part, but is not limited to, self defense, defending the life of a third party, and preventing a crime in which human life is in serious jeopardy. The applicant does not need to fear his or her life is being threatened, but rather the potential for a life-threatening situation exists. The following are examples of situations that could illustrate Good Cause:

- Business owners or employees who handle large sums of money or respond to alarms at their place of business
- Persons who are in reasonable fear for their safety due to a set of facts that place them in danger
- Spouses or family members of law enforcement officers
- Avid hunters or persons who camp or frequent in the backcountry

PROCEDURE A – SCREENING PROCESS

Any individual applying for a license to carry a concealed weapon shall first obtain and fully complete a Concealed Weapons License Application form. This form may be obtained at Sheriff's Headquarters, designated substations and from the Sheriff's website.

- The application will include the need for the issuance of the permit and "good cause" for the permit.
- The application will be completed and returned, in person, to the Licensing Unit of the Kern County Sheriff's Office at 1350 Norris Road, Bakersfield, California, or an authorized substation. The application, when returned, must be signed in the presence

of an authorized employee of the Sheriff's Office. The form is to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application (Penal Code § 12051 (b) & (c)).

- The applicant will provide a driver's license and proof of residency.
 - The applicant must be a resident of the County of Kern.
 - The applicant must show two (2) valid forms of proof of residency (in addition to the driver's license). Examples include a current property tax bill, a utility bill and current vehicle registration papers. A post office box is not considered acceptable proof of residency.
- The Sergeant of the Licensing Unit will then review the application and ensure the applicant meets the minimum guidelines detailed in Directive A of this policy.
 - If the applicant **does** meet state law and Sheriff's Office guidelines, the applicant will be sent a letter of approval notifying them to come to Sheriff's Headquarters for further processing.
 - If the applicant **does not** meet state law and/or Sheriff's Office guidelines, the applicant will be sent a letter of denial noting the cause for the denial. The letter will be sent out under the name of the Sheriff, "By" the reviewing sergeant pursuant to Section J 0100 of the Sheriff's Office Policy and Procedure Manual.
 - If the applicant's CCW license application is denied, the applicant must wait one year from the date of denial to reapply.

PROCEDURE B – APPLICATION PROCESSING

Applicants who have successfully completed the CCW screening process will:

- Come to the Sheriff's Headquarters Facility where the applicant will be fingerprinted.
 - The applicant's prints will be sent to California Department of Justice and the Federal Bureau of Investigation for processing.
- Pay the currently required state and county fees.
- Provide a birth certificate or passport, a DD214 form if the applicant was in the military, and the required 8-hour firearms training certificate.

When the results of the California Department of Justice's and the Federal Bureau of Investigation's processing are received, the sergeant of the Licensing Unit will review the applicant's entire file for final approval.

If the Sergeant approves the application for issuance of the license, Licensing Unit Personnel will notify the applicant to return to Sheriff's Headquarters or the authorized substation and:

- The applicant will read and sign the "Conditions of CCW license" form.
- Licensing Unit (or substation) personnel will obtain the applicant's thumb print for the license.
- The applicant will sign the license.
- Licensing Unit (or substation) personnel will issue the license.

If the Licensing Unit Sergeant denies the application for issuance of the license, Licensing Unit Personnel will send a denial letter to the applicant.

PROCEDURE C – APPEAL PROCESS

J 2400 - Concealed Weapons Permit-2

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If an applicant whose application was denied wishes to appeal the decision, he/she may contact the Detective Section Lieutenant or Division Commander in writing to request an informal appeal within 10 working days of the denial. The Detective Section Lieutenant (or Commander) will review the reasons for denial. The lieutenant or commander must send the applicant a written notification of his/her decision to uphold or confirm the denial within five days of receiving the request for appeal.

- If the division commander or section lieutenant upholds the denial, the applicant may appeal in writing to the Sheriff within 45 days of the original denial.
- After the Sheriff has reviewed the written denial appeal, the Office of the Sheriff will send a letter of acceptance or denial to the applicant with a copy of the letter sent to the Licensing Unit for additional handling as required.

PROCEDURE D – LICENSE RENEWAL

Pursuant to California Penal Code Section 12050, a CCW License may be issued for a time period not to exceed two years from the date of license, or in the case of a full time Court Commissioner, Judge or Magistrate, three years from date of issuance and in the case of a Reserve Peace Officer appointed pursuant to Penal Code Section 830.6, four years from the date of license. At the expiration date, the CCW license is no longer valid and the applicant cannot legally carry a concealed weapon.

No later than 30 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 going to the Sheriff's Headquarters Facility Licensing Unit or authorized substation and:

- Verify the information on the license with an authorized Sheriff's employee under penalty of perjury.
- Submit a certificate of successful completion of a firearms training course that shall be of no less than four hours in duration and shall include, at a minimum, firearms safety and the laws regarding the permissible use of a firearm. The training course must be through a Sheriff's Office approved vendor.
- Pay the currently required non-refundable state and county renewal application fees.

Once the Sheriff or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a concealed weapon will either be granted or denied.

Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

If the license renewal is approved, Licensing Unit personnel will issue the new license. 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 (Penal Code § 12052.5).

PROCEDURE E – CCW LICENSE AMENDMENTS

J 2400 - Concealed Weapons Permit-3

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Any licensee may amend his/her license at any time during the period of validity by going to the Sheriff's Headquarters Facility or authorized substation and requesting the license be amended in order to accomplish one or more of the following:

- Add or delete authority to carry a firearm listed on the license
 - The Sheriff's Office must be notified prior to any addition or deletion of a particular firearm.
- Change restrictions or conditions previously placed on the license
 - The Sheriff's Office must be notified immediately of any circumstances that would result in changes in the restrictions or conditions on the license.
- Change the address or other personal information of the licensee
 - A person currently holding a Kern County Sheriff's Office issued CCW license shall notify this agency within ten (10) days of any change in his/her place of residence.
- In the event that any amendment to a valid license is approved, a new license will be issued reflecting the amendment(s).
- Copies of the amended license shall be immediately filed with the Department of Justice by the Sheriff's Office. No additional fingerprint cards will be required for this process.
- 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. The license shall be subject to renewal based on the original issue date regardless of any amendments.
- The licensee will be required to pay the current CCW license amendment fee.

PROCEDURE F – CCW LICENSE REVOKATIONS

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

- If the licensee has violated any of the restrictions or conditions placed upon the license.
- If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon.
- If the licensee is determined to be within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare and Institutions Code §§ 8100 or 8103.
- 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.
- If the licensee establishes residency outside the County of Kern.

The issuance of a license by the Sheriff-Coroner 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-Coroner as set forth herein.

If any license is revoked, the Licensing Unit will immediately notify the licensee and the California Department of Justice pursuant to Penal Code § 12053.

J 2400 - Concealed Weapons Permit-4

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DIRECTIVE A – QUALIFIED APPLICANTS

Applicants must complete, in full, the required application form which will include the need and “good cause,” and must comply with the following minimum guidelines:

- Applicant must be at least 21 years of age, except when employed by the Kern County Sheriff’s Office.
- Applicant must be a resident of the County of Kern and show two (2) valid forms of proof of this residency, such as a California Driver’s License, current property tax bill, or utility bill. A post office box is not considered acceptable proof of residency.
- Be free from criminal convictions that would disqualify the applicant from carrying a concealed weapon, including any felony conviction.
- The applicant must not be within a prohibited class as described in Penal Code Sections 12021 or 12021.1 or Welfare and Institutions Code Sections 8100 or 8103.
- Applicant must not have a current restraining, protective or stay-away order against him/her.
- The Sheriff reserves the right to deny a permit to any applicant that has been convicted of any public offense involving violence, firearms, drugs or any other crime that would reflect negatively on the applicant’s ability to carry a concealed weapon.
 - For the purposes of this policy all references to convictions shall include a finding or judgment of guilt by jury or bench trial, or any plea of guilty, nolo contendere or not guilty by reason of insanity.
- The applicant may not be on probation at the time application is made. After issuance, if subsequently placed on probation, the permit will be revoked.
- Fingerprints will be required and the applicant must successfully pass a vigorous background investigation conducted by the Kern County Sheriff’s Office, which may include background inquiries to the applicant’s place of employment, neighbors, and any other law enforcement resources.
- Be of good moral character.
- Show good cause for the issuance of the license.
- The applicant must show current proof of attendance and a successful completion certificate from a Sheriff’s Office approved training course covering safety, the law, and the applicant’s ability to handle the firearm safely.
- Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
 - If the applicant is a retired Detention Officer or a Reserve with the Kern County Sheriff’s Office and has been with this agency for at least ten continuous years or has retired in good standing, the fees will be waived for application during the first application process. The application process must be initiated within 90 days of his/her retirement and approved by his/her past chief deputy.
- Any applicant whose requests to carry a firearm that includes their place of employment, must submit with the application a letter from his/her employer. This letter must acknowledge the fact the employer knows and approves of the applicant carrying a firearm while working. If the applicant is a Sheriff’s Aide or Detention Officer with the Kern County Sheriff’s Office, the applicant must have approval from his/her chief deputy via the Sheriff’s Office chain of command.

J 2400 - Concealed Weapons Permit-5

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DIRECTIVE B – CONDITIONS OF CCW LICENSE

The Sheriff will include certain mandatory conditions on all CCW Licenses that the applicant must adhere to. The applicant:

- Shall not ingest, inhale, inject or be under the influence of illegal drugs at any time or ingest or be under the influence of alcohol while carrying the weapon.
- Shall not represent self as a peace officer at any time.
- Shall not violate any federal, state, or local law, statute, or ordinance.
- Shall not be under the influence of any mind-altering medication, including, but not limited to those labeled with a warning not to operate a motor vehicle or other machinery.
- Shall not impede any law enforcement officer in the performance of their duties.
- Shall not refuse to display or surrender their permits and weapon when requested to do so by a peace officer.
- Shall not unjustifiably display a deadly weapon.
- Shall immediately notify any peace officer with whom the licensee comes in contact with that the licensee is armed and has a permit in their possession.
- Shall abide by the restrictions or limitations placed on the permit.

DIRECTIVE C – CCW REPORTING REQUIREMENTS

Pursuant to Penal Code § 12053, the Sheriff-Coroner shall maintain a record of the following and immediately provide copies of each to the California Department of Justice:

- The denial of a license
- The denial of an amendment to a license
- The issuance of a license
- The amendment of a license
- The revocation of a license

The Sheriff's Licensing Unit shall annually submit to the State Attorney General the total number of licenses to carry concealed weapons issued to reserve peace officers and judges.

DIRECTIVE D – 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)).

DIRECTIVE E – NOTIFICATION OF POLICE CHIEFS

- When a citizen who resides within any incorporated area of a city in Kern County submits an application for a permit, a notification letter will be sent to the Chief of

J 2400 - Concealed Weapons Permit-6

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Police of that city. The letter will identify the person applying and request any information relevant to the application from the Chief. (Refer to attachment A)

- A "CCW Applicant Response Form" will accompany the letter. This form may be used by the Chief of Police or his designee for any response. The response form should be submitted within 10 working days of receipt of the notification letter to the Sheriff's Office Licensing Unit via fax or mail. (Refer to Attachment B)

DIRECTIVE F – WAIVER OF REQUIREMENTS

- No member of the Sheriff's Office may waive any requirements for issuing or retaining a license. Nothing in this policy shall limit or restrict the Sheriff's lawful authority to issue written amendments to this policy.

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**KERN COUNTY SHERIFFS DEPARTMENT
1350 NORRIS ROAD BLD. B
BAKERSFIELD, CA 93308
(661) 391-7788**

CCW Application Instructions:

COMPLETE THE ENTIRE APPLICATION!!!

If a question does not apply to you please indicate with a "N/A"

**COMPLETE THE INVESTIGATOR'S INTERVIEW NOTES
SECTION ALSO** - Pages 11-13.

DO NOT SIGN - pages 3, 10 and 14.

A firearm must be listed on page 5 in order to process your application.

YOU MUST PRESENT A CURRENT CA. DRIVERS LICENSE:

Your driver license must show your **current physical address**. If it does not or it lists a PO Box, you need to provide a DMV printout with your physical address and the "brown card" you carry with your license.

NO EXCEPTIONS. You must notify the Sheriff's Department within 10 days of any address changes.

YOU MUST ALSO PROVIDE (2) of the following, current original
proofs of residence of KERN COUNTY:

Utility Bill - 2nd pg. must list **address of service, not mail address**

Phone Bill (NO cell bills) - 2nd pg. must list **address of service, not mail**

Property Tax Statement - **current year** statement with location description

DMV Vehicle Registration - **current year**

(Copies/On-line bills **will not** be honored. Spouses bills **are** acknowledged)

Applicant must be at least 21 years of age and reside in the County of Kern

Applicant must not have **any** arrests or convictions within the last 5 years

Applicant must not have **any** felony convictions

Applicant may not be on **any** type of probation

You will receive a letter of approval or denial in approximately 16 weeks. If you are approved, you must finish the process within 90 days.

****YOU DO NOT NEED YOUR TRAINING CERTIFICATE TO SUBMIT AN APPLICATION. THE 8HR TRAINING CERTIFICATES ARE ONLY GOOD FOR 90 DAYS!!****

California Department of Justice



STANDARD APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON (CCW)

California Department of Justice
STANDARD APPLICATION
for
LICENSE TO CARRY A CONCEALED WEAPON (CCW)

Authority

California Penal Code (PC) sections 12050 through 12054 provide that a sheriff of a county or the chief or other head of a municipal police department of any city or city and county may issue a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person (CCW license). PC section 12051(a)(3)(A) requires the Attorney General to prescribe a statewide standard application form for a CCW license.

Who May Be Issued a License

The licensing authority specified in PC section 12050(a)(1) (a sheriff or head of a municipal police department) may issue a license to persons who are of good moral character, who have completed a course of training, and where good cause exists for issuance of the CCW license. All applications for a CCW will be fingerprinted and state records will be checked to determine if they are in a prohibiting class. Attachments 1, 2, and 3 (following page 14 of this application) list all categories that would cause a person to be in a class prohibiting them from possessing firearms and being granted a CCW license. These attachments are updated annually to reflect new legislation and other changes in the law.

Format of CCW License

A CCW license may be issued in either of the following formats:

1. A license to carry concealed, a pistol, revolver, or other firearm capable of being concealed upon the person.
2. Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in that county a pistol, revolver, or other firearm capable of being concealed upon the person

Training Required

PC section 12050(a)(1)(B) and (E) specifies that new license applicants must complete a course of training. The training may consist of any course acceptable to the licensing authority. The licensing authority may require either a course not to exceed 16 hours which includes instruction on at least firearms safety and the law regarding the permissible use of a firearm or a community college course not to exceed 24 hours certified by the Commission on Peace Officer Standards and Training. If the licensing authority requires the community college course, it must be uniformly required for all CCW license applicants. The licensing authority may also require annual qualification on the weapon(s) during the term for which the CCW license is granted.

For license renewal applicants, the course of training may be any course acceptable to the licensing authority, shall be no less than four hours in length, and shall include instruction on at least firearm safety and the law regarding permissible use of a firearm

State of California, Department of Justice
Standard Application for CCW License

Psychological Testing

In addition to licensing requirements as specified by the licensing authority, jurisdictions may require psychological testing on the initial application. If required, the applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. Any fees charged will be the responsibility of the applicant and such fees shall not exceed \$150.00 for an initial test. Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary (PC section 12054(c)).

Completing the Application

Answering all the questions on this standard application does not guarantee the issuance of a CCW license. The determination whether or not to issue the license is the prerogative of the licensing authority. Each licensing authority, in addition to using the state standard application form, will have a written policy summarizing what they require pursuant to PC section 12050(1)(1)(A) and (B). Prior to issuing a CCW, the statutes require proof that:

- The applicant is of good moral character,
- Good cause exists to issue the CCW license,
- The applicant meets residence requirements, and
- The course of training prescribed by the licensing authority has been completed.

The application on the following pages sets forth standardized questions to be used by the CCW licensing authority to determine whether a CCW license shall be issued. The applicant shall not be required to complete any additional application or form for a CCW license, or to provide any information other than that necessary to complete this standard application form except to clarify or interpret information provided herein (PC section 12051(a)(3)(C)).

The applicant will certify that all answers provided are true and correct to the best of their knowledge and belief under penalty of perjury. The applicant will also acknowledge that information disclosed on this application may be subject to public disclosure.

Important Instructions

- **Fill out, read, and sign Sections 1 through 5, as directed. Use additional pages if more space is required.**
- **Sections 6, 7, and 8 must be completed in the presence of an official of the licensing agency.**
- **Review Section 7 and be prepared to answer these questions orally. Do not write anything in Section 7 unless specifically directed to do so by the licensing agency.**

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Standard Application for CCW License

Section 2 – Applicant Clearance Questions – (continued)

3. **Have you ever held and subsequently renounced your United States citizenship?**
No Yes (If yes, explain):

4. **If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable? No Yes (If yes, explain):**

5. **Are you now, or have you been a party to a lawsuit in the last five years?**
No Yes (If yes, explain):

6. **Are you now, or have you been, under a restraining order(s) from any court?**
No Yes (If yes, explain):

7. **Are you on probation or parole from any state for conviction of any offense including traffic? No Yes (If yes, explain):**

State of California, Department of Justice
Standard Application for CCW License

Section 2 – Applicant Clearance Questions – (continued)

8. List all traffic violations (moving violations only) and motor vehicle accidents you have had in the last five years. (Use additional pages if necessary.)

| <u>Date</u> | <u>Violation / Accident</u> | <u>Agency / Citation #</u> |
|-------------|-----------------------------|----------------------------|
| | | |
| | | |
| | | |
| | | |

9. Have you ever been convicted for any criminal offense (civilian or military) in the U.S. or any other country?

No Yes (If yes, explain including date, agency, charges, and disposition.)

10. Have you withheld any fact that might affect the decision to approve this license?

No Yes (If yes, explain):

Section 3 – Descriptions of Weapons:

List below the weapons you desire to carry if granted a CCW. You may carry concealed only the weapon(s) which you list and describe herein, and only for the purpose indicated. Any misuse will cause an automatic revocation and possible arrest. (Use additional pages if necessary.)

| | <u>Make</u> | <u>Model</u> | <u>Caliber</u> | <u>Serial No.</u> | <u>AUTO/REV/ETC.</u> |
|----|-------------|--------------|----------------|-------------------|----------------------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |

State of California, Department of Justice
Standard Application for CCW License

Section 4 – CCW License Conditions and Restrictions

The licensee is responsible for all liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit, or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

The licensee authorizes the licensing agency to investigate, as they deem necessary, the licensee's record and character to ascertain any and all information which may concern his/her qualifications and justification to be issued a license to carry a concealed weapon and release said agency of any and all liability arising out of such investigation.

While exercising the privileges granted to the licensee under the terms of this license, the licensee shall not, when carrying a concealed weapon:

- Consume any alcoholic beverage.
- Be in a place having a primary purpose of dispensing alcoholic beverages for on-site consumption.
- Be under the influence of any medication or drug, whether prescribed or not.
- Refuse to show the license or surrender the concealed weapon to any peace officer upon demand.
- Impede any peace officer in the performance of his/her duties.
- Present himself/herself as a peace officer to any person unless he/she is, in fact, a peace officer as defined by California law.
- Unjustifiably display a concealed weapon.
- Carry a concealed weapon not listed on the permit.
- Carry a concealed weapon at times or circumstances other than those specified in the permit.

Pursuant to U.S. Government Code – Title 49, Chapter 26, Section 1472(1) and Federal Aviation Regulation 121.583, a license to carry a concealed weapon does not authorize a person to carry a firearm, tear gas, or any dangerous weapon aboard commercial airlines. Further, a person must declare that he/she is carrying such firearm, tear gas, or dangerous weapon BEFORE entering the boarding area of an air terminal where the security checks are made. Such violation can result in arrest by law enforcement.

Any violation of these restrictions or conditions may invalidate the CCW license and may void any further use of the license until reinstated by the licensing authority. Any arrest for a felony or serious misdemeanor, including driving under the influence of alcohol and/or drugs, is cause for invalidating the license.

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Standard Application for CCW License

Section 5 – Applicable California Penal Code Sections

The following Penal Code sections are of special importance to the holder of a CCW license regarding the use, carrying, and storage of firearms:

Penal Code Section 12051 – Applications for CCW Licenses; False Statements

- (b) Any person who files an application required by subdivision (a) knowing that statements contained therein are false is guilty of a misdemeanor.
- (c) Any person who knowingly makes a false statement on the application regarding any of the following shall be guilty of a felony:
 - (1) The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to Section 12050.
 - (2) A criminal conviction.
 - (3) A finding of not guilty by reason of insanity.
 - (4) The use of a controlled substance.
 - (5) A dishonorable discharge from military service.
 - (6) A commitment to a mental institution.
 - (7) A renunciation of United States citizenship.

Penal Code Section 192 – Manslaughter

Manslaughter is the unlawful killing of a human being without malice.

- (a) Voluntary – upon a sudden quarrel or heat of passion.
- (b) Involuntary – in the commission of an unlawful act, not amounting to a felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection; provided that this subdivision shall not apply to acts committed in the driving of a vehicle.

Penal Code Section 197 – Justifiable Homicide; Any Person

Homicide is justifiable when committed by any person in any of the following cases:

- 1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
- 2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,
- 3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,
- 4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

State of California, Department of Justice
Standard Application for CCW License

Section 5 – Applicable California Penal Code Sections – (continued)

**Penal Code Section 198 – Justifiable Homicide; Sufficiency of Fear
(Limitation of Self-defense of Property Rule)**

A bare fear of the commission of any of the offenses mentioned in subdivisions 2 and 3 of Section 197, to prevent which homicide may be lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

Penal Code Section 199 – Justifiable and Excusable Homicide; Discharge of Defendant
The homicide appearing to be justifiable or excusable, the person indicted must, upon his trial, be fully acquitted and discharged.

Penal Code Section 12035 – Storage of Firearms Accessible to Children

(a) As used in this section, the following definitions shall apply:

- (1) "Locking device" means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.
- (2) "Child" means a person under the age of 16 years.
- (3) "Off-premises" means premises other than the premises where the firearm was stored.
- (4) "Locked container" has the same meaning as set for the in subdivision (d) of Section 12026.2.

- (b) (1) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the first degree" if he or she keeps any loaded firearm within any premise which is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.
- (2) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the second degree" if he or she keeps any loaded firearm within any premise which is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes injury, other than great bodily injury, to himself, herself, or any other person, or carries the firearm either to a public place or in violation of Section 417.

(c) Subdivision (b) shall not apply whenever any of the following occurs:

- (1) The child obtains the firearm as a result of an illegal entry to any premises by any person.
- (2) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (3) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.
- (4) The firearm is locked with a locking device that has rendered the firearm inoperable.
- (5) The person is a peace officer or a member of the armed forces or national guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
- (6) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person, or persons.
- (7) The person who keeps a loaded firearm on any premise which is under his or her custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premise.

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Section 5 – Applicable California Penal Code Sections – (continued)

Penal Code Section 12036 – Firearms Accessed by Children and Carried Off-premises

(a) As used in this section, the following definitions shall apply:

- (1) "Locking device" means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.
- (2) "Child" means a person under the age of 16 years.
- (3) "Off-premises" means premises other than the premises where the firearm was stored.
- (4) "Locked container" has the same meaning as set forth in subdivision (d) of Section 12026.2.

(b) A person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premise that is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to that firearm without the permission of the child's parent or legal guardian and the child obtains access to that firearm and thereafter carries that firearm off-premises, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) A pistol, revolver, or other firearm capable of being concealed upon the person that a child gains access to and carries off-premises in violation of this Section shall be deemed "used in the commission of any misdemeanor as provided in this code or any felony" for the purpose of subdivision (b) of Section 12028 regarding the authority to confiscate firearms and other deadly weapons as a nuisance.

(d) This Section shall not apply if one of the following circumstances exists:

- (1) The child obtains the pistol, revolver, or other firearm capable of being concealed upon the person as a result of an illegal entry into any premises by any person.
- (2) The pistol, revolver, or other firearm capable of being concealed upon the person is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (3) The pistol, revolver, or other firearm capable of being concealed upon the person is locked with a locking device that has rendered the firearm inoperable.
- (4) The pistol, revolver, or other firearm capable of being concealed upon the person is carried on the person within such a close range that the individual can readily retrieve and use the firearm as if carried on the person.
- (5) The person is a peace officer or a member of the armed forces or national guard and the child obtains the pistol, revolver, or other firearm capable of being concealed upon the person during, or incidental to, the performance of the person's duties.
- (6) The child obtains, or obtains and discharges, the pistol, revolver, or other firearm capable of being concealed upon the person in a lawful act of self-defense or defense of another person or persons.
- (7) The person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

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Section 6 – Agreement to Restrictions and to Hold Harmless

I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

I understand that the acceptance of my application by the licensing authority does not guarantee the issuance of a license and that fees and costs are not refundable if denied. I further understand that if my application is approved and I am issued a license to carry a concealed weapon, that the license is subject to restrictions placed upon it and that misuse of the license will cause an automatic revocation and possible arrest and that the license may also be suspended or revoked at the discretion of the licensing authority at any time. I am aware that any use of a firearm may bring criminal action or civil liability against me.

I have read, understand, and agree to the CCW license liability clauses, conditions, and restrictions stated in this Application and Agreement to Restrictions and to Hold Harmless.

I have read and understand the applicable Penal Code sections regarding False Statements on a CCW Application, Manslaughter, Killing in Defense of Self or Property, Limitation on Self-defense and Defense of Property, and Child Access and Firearm Storage, stated in this application.

I have read and understand Attachment 1 – California Prohibiting Categories for a CCW License, Attachment 2 – California Prohibiting Misdemeanors, and Attachment 3 – Federal Prohibiting Categories for Possessing Firearms. I further acknowledge that these Prohibiting Categories can be amended or expanded by state or federal legislative or regulatory bodies and that any such amendment or expansion may affect my eligibility to hold a CCW.

Applicant Signature

Date

Witness Signature / Badge Number

Date

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Standard Application for CCW License

Section 7 – Investigator's Interview Notes

Applicant Name: _____

Last

First

Middle

Date of Birth: _____

Age _____

Social Security No.: _____

California DL/ID No.: _____

Driver's License Restrictions: _____

Residence Address: CITY _____ OR COUNTY _____

Number _____ Street _____ Apt. _____ City _____ State _____ Zip _____

Mailing address (if different):

Number _____ Street _____ Apt. _____ City _____ State _____ Zip _____

Home / Personal Phone Numbers: (_____) _____

Spouse's Name and Address: _____

Applicant Occupation: _____

Business / Employer Name: _____

Business Phone Number: : (_____) _____

Business Address:

Number _____ Street _____ Apt. _____ City _____ State _____ Zip _____

1. List all previous home addresses for the past five years.

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Section 7 – Investigator’s Interview Notes – (continued)

2. Have you ever been in a mental institution, treated for mental illness, or been found not-guilty by reason of insanity? No Yes (If yes, explain):

3. Are you now, or have you ever been, addicted to a controlled substance or alcohol, or have you ever utilized an illegal controlled substance, or have you ever reported to a detoxification or drug treatment program? No Yes (If yes, explain):

4. Have you ever been involved in an incident involving firearms? No Yes (If yes, explain):

5. Have you been involved in a domestic violence incident? No Yes (If yes, explain):

6. List any arrests or formal charges, with or without disposition, for any criminal offenses with the U.S. or any other country (civilian or military).

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Section 8 – Certification and Release of Information

I hereby give permission to the agency to which this application is made to conduct a background investigation of me and to contact any person or agency who may add to or aid in this investigation. I further authorize persons, firms, agencies and institutions listed on this application to release or confirm information about me and statements I have made as contained in this application.

Notwithstanding any other provision of law and pursuant to the Public Records Act (Government Code section 6250 et seq.), I understand that information contained in this application may be a matter of public record and shall be made available upon request or court order.

I hereby certify under penalties of perjury and Penal Code section 12051(b) and (c), that the answers I have given are true and correct to the best of my knowledge and belief, and that I understand and agree to the provisions, conditions, and restrictions herein or otherwise imposed.

Applicant Signature

Date

Witness Signature / Badge Number

Date



Attachments

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Standard Application for CCW License

Attachment 1

**CALIFORNIA PROHIBITING CATEGORIES FOR A CCW LICENSE
As of January, 1999**

- Persons convicted of a felony, or any offense enumerated in section 12021.1 of the Penal Code (PC).
- Persons addicted to the use of narcotics.
- Persons denied firearm possession as a condition of probation pursuant to PC section 12021(d).
- Persons convicted of a specified misdemeanor pursuant to PC section 12021(c)(1) are prohibited from purchasing or possessing firearms for 10 years (see Attachment 2).
- Juveniles adjudged wards of the juvenile court because they committed a 707(b) Welfare and Institutions Code (WIC) offense, an offense described in PC section 1203.073(b) or any offense enumerated in PC section 12021 (c)(1) are prohibited until they reach age 30.
- Persons who are subject to a protective order as defined in section 6218 of the Family Code, or a temporary restraining order or injunction issued pursuant to sections 527.6 or 527.8 of the Code of Civil Procedure.
- Persons found by a court to be a danger to others because of mental illness.
- Persons found by a court to be mentally incompetent to stand trial.
- Persons found by a court to be not guilty by reason of insanity.
- Persons adjudicated to be a mentally disordered sex offender.
- Persons placed on a conservatorship because they are gravely disabled as a result of a mental disorder or impairment by chronic alcoholism
- Persons who communicate a threat to a licensed psychotherapist, against a reasonably identifiable victim, and the psychotherapist reports to law enforcement pursuant to WIC section 8100(b), are prohibited from purchasing or possessing a firearm for 6 months.
- Persons in a mental health facility certified pursuant to WIC sections 5250, 5260, and 5270.15 are prohibited from possessing or purchasing or attempting to purchase firearms for 5 years.
- Persons who are voluntary patients in a mental facility who are determined to be a danger to self or others are prohibited from purchasing or possessing a firearm between admission and discharge.
- Persons under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year.

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Attachment 2

**CALIFORNIA PROHIBITING MISDEMEANORS
As of January, 1999**

Pursuant to Penal Code (PC) section 12021(c)(1), any person who has been convicted of a misdemeanor violation for any of the following offenses is prohibited from owning, possessing, or having under his or her custody or control any firearms within 10 years of the conviction:

- Threatening public officers, employees and school officials (PC section 71).
- Threatening certain public officials, appointees, judges, staff or their families with the intent and apparent ability to carry out the threat (PC section 76).
- Possessing a deadly weapon with the intent to intimidate a witness (PC section 136.5).
- Threatening witnesses, victims, or informants (PC section 140).
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer (PC section 148(d)).

- Unauthorized possession of a weapon in a courtroom, courthouse or court building, or at a public meeting (PC section 171(b)).
- Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc. (PC section 171c).
- Taking into or possessing loaded firearms within the Governor's Mansion or residence of other constitutional officers, etc. (PC section 171(d)).
- Supplying, selling or giving possession of a firearm to a person for participation in criminal street gangs (PC section 186.28).
- Assault (PC sections 240, 241)

- Battery (PC sections 242, 243).
- Assault with a stun gun or Taber weapon (PC section 244.5)
- Assault with deadly weapon or force likely to produce great bodily injury (PC section 245).
- Assault with a deadly weapon or instrument, by any means likely to produce great bodily injury or with a stun gun or Taber on a school employee engaged in performance of duties (PC section 245.5).
- Shooting at an inhabited or occupied dwelling house, building, vehicle, aircraft, horsecart or camper (PC section 246).

- Discharging a firearm in a grossly negligent manner (PC section 246.3)
- Shooting at an unoccupied aircraft, motor vehicle, or uninhabited building or dwelling house (PC section 247)
- Inflicting corporal injury on a spouse or significant other (PC section 273.5)
- Willfully violating a domestic protective order (PC section 273.6).

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Attachment 2 (Continued)

**CALIFORNIA PROHIBITING MISDEMEANORS
As of January, 1999**

- Drawing, exhibiting, or using any deadly weapon other than a firearm (PC sections 417(a)(1), 417(a)(2)).
- Brandishing a firearm in presence of a peace officer (PC section 417.1 – repealed by stats. 1998).
- Drawing or exhibiting, selling, manufacturing, or distributing firearm replicas or imitations (PC section 417.2).
- Inflicting serious bodily injury as a result of brandishing (PC section 417.6).
- Bringing into or possessing firearms upon or within public schools and grounds (PC section 626.9).
- Stalking (PC section 646.9).

- Armed criminal action (PC section 12023).
- Possessing a deadly weapon with intent to commit an assault (PC section 12024).
- Driver or any vehicle who knowingly permits another person to discharge a firearm from the vehicle or any person who will fully and maliciously discharges a firearm from a motor vehicle (PC sections 12034(b), 12034(d)).
- Criminal possession of a firearm (PC section 12040).
- Firearms dealer who sells or transfers or gives possession of any firearm to a minor or a handgun to a person under the age of 21 (PC section 12072(b)).

- Various violations involving sales and transfers of firearms (PC section 12072(g)(3)).
- Person or corporation who sells any concealable firearm to any minor (PC section 12100(a) – repealed by stats. 1994).
- Unauthorized possession/transportation of a machine gun (PC section 12220).
- Possession of ammunition designed to penetrate metal or armor (PC section 12320).
- Carrying a concealed or loaded firearm or other deadly weapon or wearing a peace officer uniform, while picketing (PC section 12590).

- Bringing firearm related contraband into juvenile hall (WIC section 871.5).
- Bringing firearm related contraband into a youth authority institution (WIC section 1001.5).
- Purchase, possession, or receipt of a firearm or deadly weapon by a person receiving in-patient treatment for a mental disorder, or by a person who has communicated to a licensed psychotherapist a serious threat of physical violence against an identifiable victim (WIC section 8100).
- Providing a firearm or deadly weapon to a person described in WIC sections 8100 or 8103 (WIC section 8101).
- Purchase, possession, or receipt of a firearm or deadly weapon by a person who has been adjudicated to be a mentally disordered sex offender or found to be mentally incompetent to stand trial, or not guilty by reason of insanity, and individuals placed under a conservatorship (WIC section 8103).

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Attachment 3

FEDERAL PROHIBITING CATEGORIES FOR POSSESSING FIREARMS
Gun Control Act of 1968, Title 18 U.S.C. Chapter 44
As of January, 1999

Pursuant to Section 922, any person listed below is prohibited from possessing, shipping, transporting, or receiving any firearm, who:

- Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.
- Is a fugitive from justice.
- Is an unlawful user of or addicted to any controlled substance.
- Has been adjudicated as a mental defective or committed to a mental institution.
- Is an alien illegally or unlawfully in the United States.
- Has been discharged from the Armed Forces under dishonorable conditions.
- Having been a citizen of the United States, has renounced U.S. citizenship.
- Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner.
- Has been convicted in any court of a misdemeanor crime of domestic violence.
- Is under indictment for a crime punishable by imprisonment for a term exceeding one year.
- Has an out-of-state prohibitive criminal history.
- Has a prior denial on a previous National Instant Criminal Background Check System (NICS) inquiry.

SHERIFF'S DEPARTMENT APPROVED FIREARMS COURSES

Renewal Fees: "DEPARTMENT OF JUSTICE" \$52.00 check/money order
"COUNTY of KERN" \$10.00 cash/check

INITIAL 8HR TRAINING CERTIFICATES ARE ONLY GOOD FOR 90 DAYS
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krichter@bak.rr.com

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Bakersfield, CA 93307
(661) 201-4979
ShootingHelp@gmail.com

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