

License to Carry a Firearm

207.1 PURPOSE AND SCOPE

It is the policy of the Santa Monica Police Department to accept CCW license applications from Santa Monica residents and to process those applications through a 3rd party provider. CCW licenses are valid for a 2 year period from the date of issuance.

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

207.1.1 APPLICATION OF POLICY

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

207.2 POLICY

The Santa Monica Police Department will fairly 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:

1. Be deemed not to be a disqualified person as provided in Penal Code § 26202.
2. Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).
3. Be a resident of the City of Santa Monica (Penal Code § 26155).
 - (a) To verify the applicants proof of residency, they will be required to submit the following:
 1. Valid California driver's license or identification with their current residential address or any additional documents issued by the DMV that reflects their name and current residential address.
 - (a) P.O. Box is not acceptable.
 2. A copy of any two of the below items showing their name and current residential address:
 - (a) A utility bill (gas, water or electricity) statement with a date that is within three months of the date the application was submitted
 - (b) Property deed

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- (c) A rental or lease agreement
 - (d) A vehicle registration
 - (e) Cable or internet bill
 - (f) Waste statement
 - (g) Current, government-issued license, permit, or registration, other than a California driver license or identification card, that has a specified expiration date or period of validity.
4. Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
 5. Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
 6. Submit fingerprints and a complete criminal background check (Penal Code § 26185).
 7. Pay all associated application fees (Penal Code § 26190).
 8. Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Santa Monica Police Department (Penal Code § 26162).
 9. Complete required training described in Penal Code § 26165.

207.4 APPLICATION PROCESS

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

No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California Department of Justice (DOJ) determines that the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26195).

207.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statement on the application will be removed from further consideration and may be prosecuted for a criminal offense.
 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
 2. If an incomplete application package is received, the Chief of Police or the authorized designee may do any of the following:

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- (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction).
- (b) The applicant shall submit a check made payable to the Department of Justice for the required California DOJ application fee (livescan) (Penal Code § 26190) through a certified livescan provider.
1. Additional fees will be required for fingerprinting, training, or psychological testing, in addition to the application fee.
 2. Full payment of the Santa Monica Police Department fee will be required upon issuance of the license.
 3. Payment of related fees may be waived if the applicant is a duly appointed reserve police officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant may be requested for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code §8100, or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26195).
- (d) The applicant should submit at least three letters of character reference from individuals other than relatives as described in Penal Code § 26175.
- (e) The applicant shall be the registered owner of each firearm to be licensed (Penal Code § 26162).

Upon payment of the required fees and submission of fingerprints at a certified Live Scan operator, the California Department of Justice will furnish the Santa Monica Police Department with a report of all data and information pertaining to an applicant of which there is a record, including information as to whether the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185).

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

- FEDERAL - Title 18, U.S.C., Section 922 (g)(1) - Convicted in Court- Term exceeding one year
- FEDERAL - Title 18, U.S.C., Section 922 (g)(2) - Fugitive from Justice

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- FEDERAL - Title 18, U.S.C., Section 922 (g)(4) - Adjudicated Mental Defective
- FEDERAL - Title 18, U.S.C., Section 922 (g)(5) - Illegally in the U.S.
- FEDERAL - Title 18, U.S.C., Section 922 (g)(6) - Dishonorable Discharge
- FEDERAL - Title 18, U.S.C., Section 922 (g)(7) - Renounced Citizenship
- FEDERAL - Title 18, U.S.C., Section 922 (g)(8) - Court Order- Harassment/Stalking
- FEDERAL - Title 18, U.S.C., Section 922 (g)(9) - Misdemeanor Crime of Domestic Violence conviction
- FEDERAL - Title 18, U.S.C., Section 922 (g)(n) - punishable by imprisonment for more than one year
- FEDERAL -Title 18, U.S.C., Section 922 (g)(3) - Unlawful users of controlled substances (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802))
- Applicant adjudicated by a state or federal court as being Mentally Incompetent to stand trial, been committed to a mental institution, or found not guilty by reason of insanity.
- Discharged from custody in the proceeding 20 years after a finding of not guilty of a crime by reason of mental disease or defect; or confined to a mental hospital in the 12 months before applying for a permit or certificate.
- Danger to themselves or others due to a past pattern of behavior or threats involving unlawful violence (including threats or attempts of suicide).
- Juvenile delinquency in the past 7 years for an offense that would be deemed a violent offense if committed when an adult.
- Addiction to any illegal drug.
- Any Felony conviction (a crime with a jail term exceeding 1 year) making possession of a firearm illegal.
- Changing address of residence but did not update the Department of Motor Vehicles and/or advise the Santa Monica Police Department CCW Unit of the change in address of residence.
- Bringing a firearm into a prohibited area.
- Unlawfully discharging, brandishing, exposing, displaying, transporting, or storing a firearm.
- Subject to a firearm seizure order issued after notice and a hearing.
- Any conviction for a crime involving Domestic Violence in any state.
- A conviction for a crime of Moral Turpitude including but not limited to (fraud, theft, tax evasion, issuing bad checks, robbery, bribery, perjury, extortion, arson, rape, terrorism, burglary, attempted lewd acts on a minor, child abuse, felon in possession of a firearm, falsifying government records, forgery, receiving stolen property, burglary, vandalism, kidnapping).

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- Outstanding warrant for arrest (Wanted Person or fugitive from justice).
- Conviction for a Crime of Violence.
- Current subject of a gun violence restraining order.
- Not qualified to purchase or possess a dangerous weapon or handgun pursuant to federal law (a Restricted Person).
- Do not have their primary residence in Santa Monica.
- Under the age of 21 years old.
- Dishonorable discharge from the U.S. Military, reported military domestic violence conviction, convicted of domestic violence (1996 Lautenberg Act).
- Dishonesty on the application and/or during interview or failure to disclose information.

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

In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26195).

207.4.2 PHASE TWO

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

- (a) The Chief of Police will require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).
- (b) The applicant shall complete a course of training approved by the department, which complies with Penal Code § 26165 (Penal Code § 26165).
- (c) The applicant shall submit upon request, any firearm to be considered for a license to a department approved Rangemaster at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

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

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Whether an application is approved or denied, the applicant shall be notified in writing within 120 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).

In the event an Applicant requests to appeal a decision, the Applicant may submit a formal letter, in writing, addressing the Chief of Police. This letter should include:

- (a) Specific details identifying and supporting the reason for the appeal.
 - i. This includes identifying any new material errors or possible oversight in processing that may have directly led to an unfavorable outcome.
 - ii. New supplemental documentation (i.e. official reports) that support the Applicant's request for appeal.
 - iii. Overturning a decision to issue a CCW license remains at the discretion of the Licensing Authority

207.5 ISSUED FIREARMS PERMITS

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which the person may carry the firearm (Penal Code § 26200(b)).
 - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
 - 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 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 Chief of Police or any law enforcement officer.
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 - 1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
 - 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

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3. In addition to possessing a CCW license, the Applicant shall be in possession of a government issued identification card with the Applicant's photograph.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this Department in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice the Department shall notify the California DOJ (Penal Code § 26210).

207.5.1 LICENSE RESTRICTIONS

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

207.5.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the law enforcement agency that issued the license in order to (Penal Code § 26215):

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

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In the event that any amendment to a valid license is approved by the licensing authority, 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.

207.5.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy shall be revoked by the Chief of Police for any of the following reasons (Penal Code § 26195):

- (a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- (b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.
- (c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.
- (d) Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.

The issuance of a license by the Chief of Police shall not entitle the holder to either a property or liberty interest as the issuance, amendment, or revocation of such license remains exclusively within the discretion of the Chief of Police as set forth herein.

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

207.5.4 LICENSE RENEWAL

Prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Chief of Police for a renewal by:

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a training course pursuant to Penal Code § 26165.
- (c) Submit upon request, any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying a non-refundable renewal application fee.

Within 120 days of receiving the completed application for a renewal license, the Department shall give written notice to the applicant of the Department's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165. The Department shall then submit the renewal notification to the California DOJ as provided in Penal Code § 26185.

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

207.6 DEPARTMENT REPORTING AND RECORDS

The Department shall maintain a record of the following and immediately provide copies of each to the California DOJ (Penal Code § 26225):

- (a) The denial of a license
- (b) The denial of an amendment to a license
- (c) The issuance of a license
- (d) The amendment of a license
- (e) The revocation of a license

The Chief of Police shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

207.7 CONFIDENTIAL RECORDS

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

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

207.8 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police Department may not issue limited licenses and these applicants should be referred to the Sheriff's Office (Penal Code § 26150).

207.9 WRITTEN NOTICE FOR DENIAL OF LICENSE

The Chief of Police or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 120 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 (Penal Code § 26205).

Written notice to an applicant for a renewal license that is approved or denied shall be given within 120 days of receiving the completed application (Penal Code § 26205).

Additionally, regardless of the type of license, if the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

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207.9.1 ADDITIONAL REQUIREMENTS

If an application for a new license, renewal of a license, or revocation is denied based on a determination that the person is a disqualified person as provided by Penal Code § 26202, the Chief of Police or the authorized designee shall provide the person with the notice of determination as provided by Penal Code § 26202(d), Penal Code § 26205, or Penal Code § 26195(b)(3). The notice shall state the reason why the determination was made and inform the applicant that they may request a hearing from a court. The Department shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the Chief of Police or the authorized designee shall provide the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).