

218.1 POLICY

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

218.1.1 PURPOSE AND SCOPE

Only the Chief of Police is given the statutory discretion to issue a license to carry a concealed firearm to residents* of the City of Fresno (Penal Code §§ 26150 and 26155). This policy will provide an outline for the application process and issuance of a license to carry a concealed firearm to Fresno residents. Pursuant to PC §26160, these procedures shall be made accessible to the public.

*Some non-residents may qualify.

218.1.2 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief of Police from entering into an agreement with the Sheriff of Fresno County to process all applications and license renewals for the carrying of concealed weapons [PC §26155(c)].

218.2 QUALIFICATIONS

Concealed Carry Weapons (CCW) applicants are subject to the following qualifications:

- (a) The applicant is 21 years of age and resides in the City of Fresno;
- (b) The applicant is of good moral character;
- (c) Good cause exists for issuance of the license;
- (d) The applicant has completed a course of training as described in PC §26165; and
- (e) The applicant is not a member of one of the prohibited categories as specified in the application.

218.3 APPLICATION PROCESS

Concealed weapons applications can be obtained online through the City of Fresno website or by contacting the CCW Coordinator at 621-6562. Applications will be those prescribed by the Attorney General in accordance with PC §26175, as amended. The firearms training specified in this article may be started and completed after the application has been received by the Fresno Police Department; however, the CCW license shall not be issued until applicant produces evidence of successful completion of the required training.

218.3.1 APPLICATION

Applicants are to complete the California Department of Justice (DOJ) Standard Application form. The completed form must be returned in person to the Concealed Weapons Permit Office. Please call the CCW Coordinator at (559) 621-6562 for an appointment to return the form.

Information contained on the application, including substantial personal information, may be subject to public access under the Public Records Act.

WARNING: IT IS A CRIME TO KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION TO CARRY A CONCEALED WEAPON (PC §26180).

Upon receipt of a properly completed initial application and payment of all fees the CCW Coordinator shall, within a reasonable time, submit all required documents and appropriate fees to the California Department of Justice (DOJ) for a clearance. The Chief of Police shall not issue a CCW license until:

- (a) Clearance from the California Department of Justice has been received; and

- (b) The applicant produces evidence of successful completion of a firearm training course pursuant to PC §26165 and certified by the state as meeting the Basic Handgun Safety Certificate requirements including the actual firing of weapons.

Note: Certified CA DOJ Handgun Safety Instructors are exempt from the training requirement.

Pursuant to PC §26165(d), the applicant shall not be required to pay for any training for purposes of receiving a CCW License prior to the Chief's written determination of good cause provided to the applicant.

218.3.2 GOOD CAUSE DETERMINATION

Good Cause is defined as any citizen concerned for the safety of themselves, their family and friends or their employees. An investigation will be conducted into the applicant's statement of good cause. The determination of good cause should consider the totality of circumstances in each individual case. If the applicant states that good cause for obtaining a concealed weapon permit is related to their employment, the applicant MUST provide a letter from the employer authorizing the applicant to carry a concealed weapon during the course of their employment.

If the applicant meets the good cause requirement, they will be requested to appear at the Concealed Weapon Permits Office to continue the application process. If a determination is made that the applicant does not meet the good cause requirement, the application will be denied and the applicant will be notified in writing (PC §26202).

218.3.3 FEES

The Fresno Police Department will charge a non-refundable fee of \$20.00 at the time the application is submitted. Once a determination has been made that the applicant has met the good cause requirement, a non-refundable fee of \$93.00 will be collected for the processing of the applicant's fingerprints as part of the criminal investigation by the State Department of Justice. A fee of \$80 will be collected at the time the license is issued. All fees are payable by Cashier's Check or Money Order to the Fresno Police Department.

Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in PC §§830.6(a) or (b) (PC §26170).

218.3.4 FINGERPRINTS

The applicant will also be required to get fingerprinted at any Live Scan location. At that time, the applicant must pay the required fingerprint scanning fee to the business.

218.3.5 CRIMINAL HISTORY

The applicant's fingerprints will be Live Scanned to the State of California Department of Justice where their background will be checked to determine if they are free from those criminal offenses that would prohibit them from acquiring a concealed weapon permit. Persons convicted of certain criminal offenses or with a history of certain mental problems are prohibited by law from obtaining a concealed weapon permit. These offenses are listed in the application attachments.

A permit cannot be issued until clearance from the Department of Justice is received.

218.3.6 BACKGROUND CHECK

In addition to the CA DOJ background check, the CCW Coordinator shall also conduct a local background investigation of every CCW applicant. This check will include the sharing of information with the Fresno Sheriff's Office (FSO) regarding applicants and existing CCW License holders.

The Fresno Police Department will conduct a background investigation to verify the information on the applicant's application and to determine if they meet the good moral character requirement. Applicants, at minimum, must have no criminal convictions within the past 10 years of a crime involving moral

turpitude or crime of violence (e.g. assault with a deadly weapon, domestic violence, battery, manslaughter, murder, etc.), have no history of alcohol or drug abuse, and have no dishonorable discharge from military service.

218.3.7 DISQUALIFYING INFORMATION

In situations where the Federal, State or local background check discloses disqualifying information, the Chief of Police at their discretion, may, in accordance with state law, deny the application. Upon such denial, the Chief of Police will inform the applicant in writing that the request for a license has been denied and state the reason from the Department policy as to why the determination was made.

Pursuant to PC §26205, the Chief of Police shall give written notice to the applicant indicating that the CCW License is approved or denied within 90 days of the initial application for a new license or renewal, or 30 days after receipt of the applicant's criminal background check from the CA DOJ, whichever is later.

218.3.8 TRAINING AND QUALIFICATION

The applicant must provide evidence of having met this requirement before a permit will be issued. Applicants must provide proof of having completed an approved handgun training course (of a minimum of eight hours) and having fired a minimum of 100 rounds with the weapons to be carried, *from distances that include 3, 5 and 7 yards. The minimum passing score will be 75% within the target area of 12x16 inches.* A training course must be completed which involves a certified course of instruction by an instructor certified by the State of California. *The instructors D.O.J. certification number must be affixed to the issued certificate of training.* The Basic Safety Course involving a test or the viewing of a video does not meet the training requirement.

218.3.9 HANDGUN REQUIREMENTS

Other than new handguns purchased through a State of California authorized licensed gun dealers, the applicant must provide documented proof the weapon to be carried is a safe handgun and that they have qualified with the weapon to be carried.

The weapon must be checked by a California DOJ approved range master or armorer.

218.4 PERMIT ISSUANCE

If the applicant has met all requirements for a concealed weapon permit, they will be directed to respond in person to the Concealed Weapon Permits Coordinator's office in order to receive their permit. The Chief of Police, in accordance with State law, shall be the final issuing authority.

218.4.1 HOLD HARMLESS AGREEMENT

An approved CCW License permit holder shall be required to sign a form that shall indemnify, hold harmless, and defend the City, its officers, officials, employees and agents from any and all loss, liability fines, penalties, forfeitures, costs and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time, and from any and all claims, demands, and actions in law or equity (including reasonable attorney's fees and litigation expenses) arising out of or in connection with intentional or negligent acts or omissions of the permit holder.

218.4.2 RENEWALS

A concealed weapon permit is valid for two years. The permit must be renewed bi-annually to remain valid. The applicant will show evidence of successful completion of the required course of training, (Minimum of four hours & 50 rounds fired), which involves a certified course of instruction by an instructor certified by the State of California. All CCW license renewals shall be made within a time period of sixty (60) days before the expiration date of the CCW.

The licensee shall notify this Department in writing within 10 days of any change of place of residency. If the licensee's place of residence was the basis for the issuance of the permit and the licensee moves out of the county of issuance, the permit shall expire 90 days after the licensee has moved (PC §26210).

A non-refundable fee of \$25.00, payable to the City of Fresno by Cashier's Check or Money Order, is due at the time of renewal. In addition, the State Department of Justice charges a non-refundable fee of \$52.00 for the concealed weapon permit renewal and payable to the California Department of Justice by Cashier's Check or Money Order at the time of renewal.

218.4.3 MODIFICATION OF LICENSE FORM (AMENDMENTS)

A change of name, address, addition or deletion of a weapon, or other changes to the concealed weapon permit is considered a modification or amendment. A non-refundable fee of \$10.00 is payable by Cashier's Check or Money Order at the time of the modification or amendment.

218.4.4 REVOCATION

The Police Chief may revoke a CCW License at any time based upon any of the following:

- (a) There is a material misstatement on the application;
- (b) The permit holder becomes ineligible to make an application pursuant to the qualifications stated in PC;
- (c) Other relevant, articulable factors as deemed by the Chief of Police.

218.5 RESTRICTIONS

If a person in possession of a CCW and a weapon violates any of the restrictions outlined within the application for the CCW, the officer *shall confiscate the weapon and license for safe keeping and/or evidence*.

The following are standard restrictions that shall apply to all CCW licenses. The licensee shall:

- (a) Not have alcohol or drugs in system while carrying the weapon;
- (b) Not represent self as a peace officer at any time;
- (c) Not violate any local, State, or Federal laws;
- (d) Not be under the influence of any medication which is labeled with a warning not to operate a motor vehicle or other machinery;
- (e) Not impede any law enforcement officer in the performance of their duties;
- (f) Not refuse to display or surrender their permit and weapon when requested to do so by a peace officer;
- (g) Not unjustifiably display a deadly weapon;
- (h) Immediately notify a peace officer, with whom the licensee comes in contact, that the licensee is armed and has a permit in their possession;
- (i) Not carry weapon on any public school, private school, college, or university;
- (j) Not carry weapon into any courthouse, *government or municipal building*;
- (k) Not carry weapon in a place having a primary purpose of dispensing alcoholic beverages for on-site consumption;
- (l) Not carry weapon while attending any social or public function where weapons are prohibited; and
- (m) Not carry weapon into controlled access area of any airport or fly on any commercial airplane with a weapon, except as directed by authorized airport and/or airline personnel.

218.6 PERMIT DENIAL

The Chief of Police shall have the right to deny any CCW License application based upon any of the following:

- (a) The results of the California Department of Justice background check;
- (b) The results of the local background check; or
- (c) Other relevant, articulable factors as deemed by the Chief of Police.

In situations where the local background check information that is not ordinarily contained in routine state or federal background checks discloses disqualifying information, the Chief of Police at their discretion, may, in accordance with state law, deny the application. Upon such denial, the Chief of Police will disclose, in writing, such information to the rejected applicant that justifies said denial, including which requirement the applicant did not satisfy. Pursuant to PC §26205, the Chief shall give written notice to the applicant indicating that the CCW license is approved or denied within 90 days of

the initial application for a new license or renewal, or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. The Chief of Police shall not be required to disclose a specific reason or reasons why an application was denied, if they determine that the disclosure of such reason or reasons would endanger the health, safety or security of the citizens of the City, or State.

218.7 DOCUMENTATION

When a concealed weapons license and/or weapon is confiscated, and no crime has taken place, a GI report *shall* be written, including the reason for confiscation, *and forwarded to the CCW Coordinator.*

218.8 CONFIRMATION OF LICENSE

A CCW License can be checked through ComGen. The following information should be obtained:

- (a) Expiration date; and
- (b) Restrictions (e.g. during business functions, only while at a specified location, etc.)

218.9 CCW APPLICATION INQUIRIES

Members should advise interested citizen's that CCW applications can be obtained online through the City of Fresno website or by contacting the CCW Coordinator at 621-6562. A concealed weapons license can only be issued by the Chief of Police, pursuant to PC §§26150 et seq. and 26155 et seq., and after successful completion of a background check conducted by the CCW Coordinator.

218.10 ISSUANCE

All CCW licenses and renewals thereof shall be valid for a period allowed under PC §26220. CCW licenses issued for personal use shall be valid for two (2) years; CCW licenses issued to Judges and Magistrates shall be valid for three (3) years; and CCW licenses issued to peace officers shall be valid four (4) years.

218.11 WEAPONS

Due to possible breakage, different weather conditions and dress conditions, different concealable weapons may be authorized for carrying under a Single Carry License. As the state application for a CCW license requires the Manufacturer name, serial number and caliber of weapons carried, multiple weapons may be listed on a CCW license.

- (a) **AUTHORIZED WEAPONS CHANGES:** All changes in weapons authorized to be carried must be made pursuant to an amended application as required by State law.
- (b) **RENEWAL:** All CCW license renewals shall be made within a time period of sixty (60) days before the expiration date of the CCW. In addition to the CA DOJ fees for renewal, a non-refundable fee of \$25.00 payable to the City of Fresno (initially set by the City in the Master Fee Schedule designated in the Master Fee Resolution), is due at the time of renewal.

218.12 RECORDS

The CCW Coordinator shall maintain records of:

- (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; and
- (e) The revocation of a license.

Copies of each of the above records shall be filed immediately by CCW Coordinator with the CA DOJ.

The CCW Coordinator shall submit to the Attorney General the total number of licenses issued to peace officers, and to judges pursuant to PC requirements.

218.13 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, commissioner, or judge contained in an application or permit shall not be considered public record [Government Code §625(u)(2)].

Any information in an application or permit 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 their family shall not be considered public record [GC §6245(u)(1)].

218.14 MEMBERS WITH CCW LICENSES

Non-sworn members with a valid CCW license shall not carry their personal firearm at work.