

Fresno Police Department Policy Manual

Concealed Weapon License

218 Concealed Weapon License

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) Be deemed not to be a disqualified person as provided in Penal Code § 26202;
- (b) 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),
- (c) Be a resident of the City of Fresno (Penal Code § 26150; Penal Code § 26155);
- (d) 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);
- (e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175),
- (f) Submit fingerprints and a complete criminal background check (Penal Code § 26185);
- (g) Pay all associated application fees (Penal Code § 26190);
- (h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Fresno Police Department (Penal Code § 26162);
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190); and
- (j) Complete required training described in Penal Code § 26165.

218.3 APPLICATION PROCESS

Concealed weapons applications can be obtained online through the City of Fresno website. 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. During the application process, an interview appointment for a new Concealed Carry Weapon license will be scheduled. Please note that for a new Concealed Carry Weapon license a non-refundable application fee will be required to reserve an appointment for an interview.

218.3.1 APPLICATION

CCW applications and renewals can only be submitted through the following link: fresnopdca.permitium.com. 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.

218.3.2 FEES

For a new Concealed Carry Weapon license a non-refundable application fee will be required upon submission of the application. A fee will be paid upon approval of the application.

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).

218.3.3 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.

218.3.4 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.

218.3.5 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 the applicant shall be deemed to be a disqualified person pursuant to Penal Code §26202.

218.3.6 DISQUALIFYING INFORMATION

Unless a court makes a contrary determination pursuant to Penal Code § 26206, an applicant shall be deemed to be a disqualified person and cannot receive or renew a license pursuant to sections 26150, 26155, or 26170 if the applicant meets any elements set forth in Penal Code § 26202.

218.3.7 TRAINING AND QUALIFICATION

The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Rangemaster or provide proof of successful completion of another department approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

218.3.8 HANDGUN REQUIREMENTS

The applicant shall submit any firearm to be considered for a license to a certified Rangemaster or other department authorized gunsmith, 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).

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 to receive their permit.

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 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 will be paid upon submission of the application.

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.

218.4.4 REVOCATION

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; and
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

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 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).

218.6.1 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 and (Penal Code § 26206).

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 ComCen. 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 citizens 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 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 §7923.805).

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 [Government Code §7923.800].

218.14 MEMBERS WITH CCW LICENSES

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