

**MARIN COUNTY SHERIFF'S OFFICE
GENERAL ORDER**

**CHAPTER 1 - ADMINISTRATION
ADM 01-01
PAGE 1 of 6**

DATE: 8-31-12

CONCEALED FIREARM PERMIT

POLICY

State law provides the Sheriff with statutory discretion to issue a permit to carry a concealed firearm to residents living within the County of Marin. It is the policy of this department to comply with all applicable federal and state statutes governing the issuance or denial of an application seeking a permit to carry a concealed firearm.

Nothing in this policy shall preclude the Sheriff from entering into an agreement with any Marin County Chief of Police to process applications and licenses for carrying a concealed firearm within that jurisdiction.

A copy of this policy shall be made available to the public upon request.

PROCEDURE

In order to apply for a permit to carry a concealed firearm, the applicant must meet the following requirements:

- Be a citizen of the United States
- Be a resident of the County of Marin
- Be at least 21 years of age
- Fully complete an application that shall include substantial personal information.
- Be free from criminal convictions that would disqualify the applicant from carrying a concealed firearm.
- Be of good moral character and demonstrate sound judgment. The applicant shall provide at least three letters of character reference.
- Show good cause for the issuance of a concealed firearm permit. Personal convenience, personal protection, position, or job classification alone will not constitute good cause for the issuance of a permit.
- Pay all associated application fees.
- Provide proof of ownership or registration of any firearm to be licensed for concealment
- Be free from any psychological conditions that might make the applicant not suitable for carrying a concealed firearm
- Complete a required training program as approved by the Sheriff

The following factors shall be considered as to why a permit to carry a concealed firearm should not be issued:

- The applicant is not a citizen of the United States
- The applicant does not reside in the County of Marin, unless the application is for a "Limited Business License," as defined herein
- The applicant has a criminal history, including the abuse of alcohol or drugs
- The applicant has a dishonorable discharge from military service
- The applicant has a history of mental illness

- The applicant was previously denied a permit to carry a concealed firearm
- The applicant has had a concealed firearms permit revoked
- The applicant has a history of violence
- The applicant is physically unable to handle or qualify in handling a firearm
- The applicant lied in any portion of the background investigation

Any individual applying for a license to carry a concealed firearm shall first fully complete a "Concealed Weapon License Application" (DOJ form BCIA 4012) which will be signed under penalty of perjury. It is unlawful to knowingly make any false statements on such an application.

Upon receipt of an application to carry a concealed firearm, the Sheriff, or his/her authorized designee, shall review the application and a determination as to the applicant's suitability will be made. Unless, on its face, the application disqualifies the applicant to carry a concealed firearm, an appointment will be made for the applicant to be interviewed, have his/her LiveScan fingerprints collected, and to pay the appropriate processing fees. The applicant should be advised that much of the information contained in his/her application may be subject to disclosure under the Public Records Act.

In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph or other truth verification examination.

If an incomplete "Concealed Weapon License Application" is received, the Sheriff, or her/her authorized designee, may do any of the following:

- Require the applicant to complete or amend the application before any further processing takes place
- Issue a denial if the materials submitted at the time demonstrate the applicant would not qualify for a permit even if the application was complete, i.e. the applicant is not a resident of Marin County, had a disqualifying criminal conviction, or there is absence of good cause to issue the permit.

At the time of preliminary approval of the application, the applicant shall submit a check made payable to the Marin County Sheriff's Office for the required fee to cover the cost of processing. The cost of processing the applicant's LiveScan fingerprints and 20% of the local processing fee shall be collected upon initial application. The balance of the fees will be collected should the permit be subsequently approved.

The California Department of Justice establishes the amount of the fee collected to conduct an investigation into the applicant's criminal history. The Sheriff's Office shall establish a fee for processing the permit application that is equal to the actual costs of processing that application, excluding fingerprint and training costs, but in no case greater than \$100.00 dollars. For renewal of a permit, the Sheriff's Office shall charge no more than \$25.00 dollars to process the renewal application, excluding fingerprint and training costs.

The applicant shall be required to submit to Live-Scan fingerprinting and a complete criminal background check by the California Department of Justice. A digital photograph and a second set of fingerprints may be required for retention in department files. No person determined to fall within a prohibited class, as described by Penal Code Sections 29800-29875 or 29900-29905, or Welfare and Institutions Code Sections 8100 or 8103, may be issued a permit to carry a concealed firearm. A license shall not be issued if the California Department of Justice determines the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

Should a psychological examination be required as part of the initial application process, the applicant shall be referred to the same licensed psychologist used by the Sheriff's Office for the psychological testing of our own employees. The applicant may be charged for the actual cost of the testing, but not more than \$150.00 dollars.

The applicant shall submit proof of ownership or registration for each firearm to be licensed for concealed carry.

Once the preliminary processing has taken place, the application to carry a concealed firearm will be forwarded to the Investigations Division for assignment. At a minimum, the subsequent investigation shall include, but not be limited to, a check of the following:

- Department of Motor Vehicles
- Criminal history, as disclosed by submitting the applicant's LiveScan fingerprints
- Wanted Persons System (WPS)
- Restraining Order System (ROS)
- Marin County Sheriff's Office ARS System
- Marin County EJUS System
- Family, friends, neighbors, associates, and employers (as appropriate)

Upon completion of the background investigation, the application will be returned to the Sheriff, or his/her authorized designee, to determine if good cause for the issuance of a permit to carry a concealed firearm exists.

Once the Sheriff, or his/her authorized designee, has reviewed the completed application package and relevant background information, the applicant will have his/her request to be issued a concealed firearm permit either approved or denied.

In the event an application is approved, the applicant will be told to proceed with the training requirements set forth in this Policy. The applicant shall be required to successfully complete a course of training approved by the Sheriff of not less than eight (8) hours, nor more than sixteen (16) hours, which minimally covers the topics of firearms safety and the laws regarding permissible use of a firearm.

The applicant must demonstrate proficiency, as approved by the Sheriff, with each firearm to be included on the permit.

In the event an application is denied, the applicant shall be notified in writing within ninety (90) days of the initial application, or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. The advisement shall include the reason(s) why the application was denied and what specific criteria required by this policy was not met.

The authority to issue a "Limited Business License" to carry a concealed firearm to a person who is not a resident of Marin County 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 therefore, such applicants must be referred to the Sheriff for processing

An individual who is not a resident of Marin County, but who otherwise successfully completes all portions of the concealed firearm application process may apply for and be issued a limited permit, subject to approval by the Sheriff and subject to the following limitations:

- The applicant physically spends a substantial portion of his/her working hours in the applicant's principal place of employment or business within the County of Marin.
- Such a limited permit will be valid for a period not to exceed ninety (90) days from the date of issuance
- The applicant shall provide a copy of the permit to the licensing authority of the city or county in which he/she resides
- Any application for renewal or re-issuance of a limited permit may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides

In the event a permit to carry a concealed firearm is issued by the Sheriff, the following shall apply:

- The permit will not be valid outside the State of California
- The permit will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted and appropriate, including restrictions as to the time, place, manner and circumstances under which a person may carry the concealed firearm
 - All such restrictions or conditions shall be conspicuously noted on any permit issued
 - Any violation of any of the restrictions or conditions listed on the permit may result in the immediate revocation of the license
- The permit shall bear the expiration date, type of firearm, restrictions, and other pertinent information clearly visible
- Each permit shall be numbered and clearly identify the licensee
- All permits shall be subject to inspection by the Sheriff or any law enforcement officer
- The permit will be valid for a period not to exceed two (2) years from the date of issuance, except that a permit issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three (3) years, and a permit issued to any reserve peace officer, as defined by Penal Code Section 830.6(a) of (b), will be valid for a period not to exceed four (4) years, except that such permit shall be invalid upon the individual permit holder's conclusion of service as a reserve peace officer.
- The permit holder shall notify this department, in writing, within ten (10) days of any change of place of residency. If the permit holder moves out of the county of issuance, the license shall expire ninety (90) days after the permit holder has moved.

As previously indicated, the Sheriff may place special restrictions limiting time, place and circumstances under which any permit to carry a concealed firearm may be valid. In general, these restrictions will prohibit a permit holder from any of the following:

- Consuming any alcoholic beverage while armed
- Falsely representing him or herself to be a peace officer
- Unjustified or unreasonable displaying of a firearm
- Commission of any crime
- Being under the influence of any medication or drug while armed
- Interfering with any law enforcement officer's duties
- Refusing to display his/her permit or firearm for inspection upon demand by any peace officer
- Loading the firearm with any illegal ammunition
- Carrying a firearm on any school grounds, within any courthouse or courtroom, at the State Capital or on any State Capital Grounds, in the secure area of an airport, and/or at any polling station.

The Sheriff reserves the right to inspect any permit or any licensed firearm at any time.

Any permit holder may apply to amend his/her permit at any time during the period of validity by completing and submitting a written "Application for Amendment," along with the current processing fee, in order to accomplish one or more of the following:

- Add or delete authority to carry a firearm listed on the permit
- Change restrictions or conditions previously placed on the permit
- Change the address or other personal information of the permit holder.

In the event any amendment to a valid permit is approved by the Sheriff, a new permit will be issued reflecting the approved amendment(s). An amendment to any permit will not serve to extend the original expiration date of the permit and an application for an amendment will not constitute an application for renewal.

Any permit issued pursuant to this Policy may be immediately revoked by the Sheriff for reasons that include, but are not limited to the following:

- If the permit holder has violated any of the restrictions or conditions placed upon the permit
- If the permit holder becomes psychologically unsuitable to carry a concealed firearm

- If the permit holder is determined to be within a prohibited class, as described by Penal Code Sections 29800-29875 or 29990-29905 or Welfare and Institutions Code Sections 8100 or 8103.
- If the permit holder engages in any conduct which involves a lack of good moral character, good judgment, or might otherwise remove the good cause for the original issuance of the permit.
- If the permit holder establishes residency outside the County of Marin

The issuance of a permit by the Sheriff shall not entitle the holder to either a property or liberty interest as the issuance, amendment, or revocation of such permit remains exclusively with the Sheriff, as set forth herein.

If any license is revoked, the California Department of Justice shall be immediately notified of such revocation by the Sheriff, or his/her authorized designee.

No later than ninety (90) days prior to the expiration of any valid permit to carry a concealed firearm, the permit holder may apply to the Sheriff for a renewal by doing the following:

- Submitting a letter to the Sheriff requesting that renewal
- Verifying under penalty of perjury that all the information submitted in the original application is still true and correct
- Taking an authorized training course of no less than four (4) hours that includes instruction on firearms safety and the laws regarding the permissible use of a firearm
- Demonstrating proficiency, as approved by the Sheriff, with each firearm to be included on the renewed permit
- Payment of a non-refundable renewal application fee

Once the Sheriff or authorized designee has verified the successful completion of the above described renewal process, the renewal of the permit to carry a concealed firearm will either be granted or denied. Prior issuance of a permit shall not entitle any permit holder to any property of liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified, in writing, within ninety (90) days of the renewal application, or within thirty (30) days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. In the event the renewal has been denied, the associated advisement shall include the reason(s) why the application was denied and what specific criteria required by this policy was not met.

Pursuant to Penal Code Section 26225, the Sheriff shall maintain a record of the following and shall provide copies of each to the Department of Justice:

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

The Sheriff shall annually submit to the State Attorney General the total number of permits to carry concealed firearms issued to reserve peace officers and judges.

The Sheriff's Office shall maintain a copy of all concealed firearm permit applications for a period of five (5) years after the date of application. Upon destruction of the concealed firearm application, an entry on an established log shall be made, indicating the name, last known address of the applicant, and a notation as to whether or not the application was approved or denied.

The home address and telephone numbers of any peace officer, magistrate, commissioner, or judge contained in any application or permit to carry a concealed firearm shall not be considered public record.

Any information in any application or permit which tends to indicate when or where an 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.

RELATED STANDARDS

- Government Code Section 6254(u) (2)
- Government Code Section 6254(u) (1)
- Penal Code Section 26160
- Penal Code Section 26180(a)
- Penal Code Section 26180(b)
- Penal Code Section 26185
- Penal Code Section 26190
- Penal Code Section 26200(b)
- Penal Code Section 26205
- Penal Code Section 26220(b)
- Penal Code Section 26225
- Penal Code Sections 29800-29875
- Penal Code Sections 29900-29905
- Welfare and Institutions Code Section 8100
- Welfare and Institutions Code Section 8103
- Marin County Board of Supervisors Resolution 99-149

AFFECTED DIVISIONS:

- Administration
- Investigations
- Civil and Documentary Services

REVISIONS

- 1-7-86
- 1-4-99
- 7-6-99
- 11-10-99
- 8-7-01
- 1-1-04

By order of:

ROBERT T. DOYLE
SHERIFF-CORONER