

License to Carry a Firearm

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a written process for the application, issuance, denial, appeal, and revocation of a Concealed Carry Weapons (CCW) license to carry a firearm (Penal Code § 26150; Penal Code § 26155).

207.2 POLICY

It is the policy of the Sheriff's Department to process all completed CCW applications in a timely manner and to grant CCWs only to applicants who are law-abiding, responsible persons who are not "disqualified persons" as defined by law.

207.3 APPLICATION PROCESS AND INVESTIGATION

In order to qualify for a license to carry a firearm, the applicant must:

- (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 and County of San Francisco (CCSF) (Penal Code § 26150; Penal Code § 26155) or reside in other counties but whose principle place of employment or business is in the CCSF and who spend a substantial period of time in that place of employment or business.
- (d) Appear in person for an interview.
- (e) 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).
- (f) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175), which includes information about prior detentions, arrests and criminal convictions, as well as information regarding court orders related to stalking, harassment, witness intimidation, or firearm possession, and proof of residency and at least three character references, including a cohabitant, a spouse, a former spouse, a former cohabitant, and/or parent of his or her child, as applicable.
- (g) Submit fingerprints and a complete criminal background check (Penal Code § 26185).
- (h) Pay all associated application fees (Penal Code § 26190).
- (i) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the San Francisco Sheriff's Department (Penal Code § 26162).
- (j) Complete a psychological examination with an SFSD-approved psychologist and be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (k) Once the Department has made an initial determination that the person is not disqualified, complete required, approved training described in Penal Code § 26165.

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207.4 APPLICATION PROCESS

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

207.4.1 APPLICATION AND BACKGROUND INVESTIGATION

The Sheriff's Department will conduct a DOJ criminal background check to determine if the applicant is eligible to possess a firearm and to confirm legal ownership of the firearm.

The Sheriff's Department will also review materials such as citations, arrests, convictions, civil lawsuits, employment discharges, military discharges, license denials, license revocations, other actions indicating a possible propensity for violence or moral turpitude, drug and/or alcohol abuse, carelessness with weapons, and/or dishonesty to determine whether the applicant is a law-abiding, responsible citizen.

Records that include information provided by the applicant and obtained by the Sheriff's Department in investigating and processing the application may be public records subject to disclosure, with redactions required by state law. (See Cal. Gov. Code § 6254, subd. (u)).

207.5 CCW LICENSE RENEWALS

To obtain a renewal of the CCW license the applicant must:

- (a) Prove continued residency and/or employment in CCSF. Applicants employed in CCSF but who do not reside in CCSF must prove that the licensing authority in the applicant's place of residence concurs in the decision to renew.
- (b) Prove continued lawful ownership of the firearm for which the license was issued.
- (c) Continue to be a responsible, law-abiding person.
- (d) Provide identification sufficient to provide positive identification to the DOJ.
- (e) Attend an additional Department-approved training course.
- (f) If there is compelling evidence to indicate that an additional psychological test is necessary, undergo an additional psychological test.
- (g) Pay all required fees for renewal.

207.6 CCW LICENSE REVOCATIONS

The Sheriff may revoke the CCW license when:

- (a) The licensee is prohibited by state or federal law from owning or purchasing a firearm or otherwise becomes disqualified.
- (b) The licensee violates any of the conditions placed on the license.
- (c) If any information provided by the licensee in connection with the application is inaccurate or incomplete.
- (d) As otherwise required by law.

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The issuance of a license by the Sheriff 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 as set forth herein. If the SFSD revokes any license, it will immediately notify the licensee in writing and the California DOJ.

207.7 WRITTEN NOTICE FOR DENIAL OF LICENSE

The Sheriff shall grant or deny an application, which are currently 90 days of the application, or 30 days after the Department's receipt of the applicant's DOJ criminal background check, whichever is later. For renewals, the current for notification is 120 days of receiving the completed application.

The Sheriff or the authorized designee shall give written notice of the grant or denial of the application within the statutory timelines. For a new license, the current timeline is 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).

For a renewal license, the current timeline to provide notice is within 120 days of receiving the completed application (Penal Code § 26205).

Additionally, regardless of the type of license, if the Department denies the license, the notice shall state the Department's reason for denial (Penal Code § 26205).

207.7.1 ADDITIONAL REQUIREMENTS

If the Department denies or revokes an application, the Department shall, in addition to stating the reason for the denial or revocation, inform the applicant that they may request a hearing from a court to review the denial or revocation. The Department shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

207.8 ISSUED FIREARMS PERMITS

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).
 1. All such restrictions or conditions imposed by the Sheriff shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
 2. If the Sheriff imposes restrictions and conditions beyond those required by law, the licensee will be required to sign a Restrictions and Conditions Agreement.
 3. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall be laminated, clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information clearly visible as described by Penal Code § 26175.
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220), except:

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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.
 3. 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).
- (d) 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).

207.8.1 LICENSE RESTRICTIONS

Each licensee shall comply with the restrictions set forth in state and local law, including Penal Code Section 26200, which prohibits the licensee from:

- (a) Consuming an alcoholic beverage or controlled substance as described in Sections 11053 to 11058, inclusive, of the Health and Safety Code.
- (b) Being in a place having a primary purpose of dispensing alcoholic beverages for onsite consumption.
- (c) Being under the influence of any alcoholic beverage, medication, or controlled substance as described in Sections 11053 to 11058, inclusive, of the Health and Safety Code.
- (d) Carrying a firearm not listed on the license or a firearm for which they are not the recorded owner. This paragraph does not apply to a licensee who was issued a license pursuant to Section 26170, in which case they may carry a firearm that is registered to the agency for which the licensee has been deputized or appointed to serve as a peace officer, and the licensee carries the firearm consistent with that agency's policies.
- (e) Falsely representing to a person that the licensee is a peace officer.
- (f) Engaging in an unjustified display of a deadly weapon.
- (g) Failing to carry the license on their person.
- (h) Impeding a peace officer in the conduct of their activities.
- (i) Refusing to display the license or to provide the firearm to a peace officer upon demand for purposes of inspecting the firearm. The Sheriff reserves the right to inspect any license or licensed firearm at any time.
- (j) Violating any federal, state, or local criminal law.
- (k) Loading the permitted firearm with illegal ammunition.

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207.8.2 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 Department. A license holder may request an amendment 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).

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

207.8.3 REVOCATION OF LICENSES

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

- (a) The licensee has violated any of the restrictions or conditions placed upon the license.
- (b) The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- (c) The licensee becomes psychologically unsuitable to carry a firearm.
- (d) The licensee has become a disqualified person in accordance with the standards set forth in Penal Code § 26202.
- (e) Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.
- (f) 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.

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).

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

207.8.4 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Sheriff for a renewal by:

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause Penal Code § 26165.

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- (c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Sheriff 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 the applicable renewal application fee.

Within 90 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.

Once the Sheriff or the authorized designee has verified the successful completion of the renewal process, the Sheriff will inform the applicant of the renewal or denial of renewal of the license to carry a firearm in writing. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

207.9 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 Planning and Projects Division - Professional Standards Unit shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

207.10 CONFIDENTIAL RECORDS

The following are not public records (Government Code § 7923.805):

- The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application.
- 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.