
NEVADA COUNTY SHERIFF'S OFFICE



KEITH ROYAL
SHERIFF/CORONER

CCW PERMIT APPLICATION PROCEDURE

POLICY

The Sheriff of Nevada County may issue a permit to carry a concealed weapon pursuant to Penal Code Section 12050(a)(1). The Sheriff is not required to issue a concealed weapons permit nor does the applicant have a constitutional right to such a permit. Existing California laws establish criteria to be examined prior to the Sheriff issuing a concealed weapons permit.

PROCEDURE

Eligible citizens shall complete the standard application for concealed weapons permits to the Office of Sheriff. Applicants shall fill out completely the California Department of Justice application form. Any resident of Nevada County will be issued the appropriate application form and instructions upon request. This citizen shall be at least 21 years of age at the time of application. Proof of residency may be required. Proof of residency shall include a driver's license or voter registration, and/or utility bills showing the actual place of residency. Post office boxes will not be sufficient to determine residency within Nevada County. It is the responsibility of the applicant to accurately complete all components of the application form. Incomplete applications shall be returned to the applicant without action.

Submission of the completed applications shall be submitted to the Nevada County Sheriff's Office, CCW Unit, 950 Maidu Avenue, Nevada City, California 95959.

Written notification will be given to the applicant indicating that the permit must be approved or denied within ninety (90) days of receiving the application, or within thirty (30) days after the sheriff's office receives the applicant's criminal background check from the Department of Justice (whichever is later).

GOOD CAUSE

Applicants must elaborate as to their reasons for the issuance of a CCW Permit. California Penal Code Section 12050 states in part that good cause must exist for issuance of the permit. The establishment of a reasonable cause for granting of the CCW Permit is the most difficult aspect of the permit process because it is subjective. Every applicant believes that he or she always has good cause for the permit. The sheriff's office's determination is

ADMINISTRATION: 950 MAIDU AVENUE, NEVADA CITY, CA 95959 - (530) 265-1471
CORRECTIONS: P.O. BOX 1130, NEVADA CITY, CA 95959 - (530) 265-1291
TRUCKEE: P.O. BOX 699, TRUCKEE, CA 96160 - (530) 582-7838
KEITH.ROYAL@CO.NEVADA.CA.US

based on balancing the individual perception against an overall consideration of public good and safety.

The Nevada County Sheriff's Office generally considers issuing CCW Permits for a business or professional reason. A majority of the business or professional need must be performed here in Nevada County. In making a determination as to the reasonable cause, the Sheriff will consider all available information; and where there exists a sufficient nexus between the approval of the CCW and the avoidance of victimization, he/she will make that decision most beneficial to the public good and safety. The mere fear of victimization or desire to carry a firearm shall not be wholly insufficient; however, the sheriff in making a determination shall rely first on objective standards, personal history, training, and a professional evaluation of the applicant, and secondarily on subjective factors.

BACKGROUND INVESTIGATION

Upon submission, the application will be reviewed for completeness and given to a Nevada County Sheriff's Office staff member for an interview and analysis of suitability for issuance. The purpose of the background interview is to determine the applicant's need and establish some reasonable expectation of suitability for the CCW Permit. Information developed during a CCW background investigation shall be deemed confidential in nature. Applicants will be required to grant the sheriff's office a certification and release of information. Such information access may include, but is not limited to, employment, medical and judicial. The failure to provide a required waiver shall constitute an automatic voluntary withdrawal of the application. Specific consideration of the applicant's background shall address minimally criminal, civil, and social history, physical ability to handle a firearm, and emotional stability to control a firearm.

Upon review by the Sheriff or his designee, the applicant will be notified in writing whether or not his CCW Permit was approved or denied in accordance with the time restrictions mentioned above.

PERMIT RESPONSIBILITIES & RESTRICTIONS

New Permits:

Prior to the issuance of a CCW, the applicant must attend and successfully complete an approved gun safety course. This course shall be a minimum of eight (8) hours in duration. The permittee shall show familiarization with each weapon listed on the CCW Permit.

Time Limits:

The permittee is responsible for compliance with any regulation or conditions imposed by the Sheriff. All permits have a standard condition of "no alcohol use or illegal drug use." The applicant will also be held to the conditions enumerated in "Attachments 1-3" of the California Department of Justice standardized application. In addition, the permittee is

responsible for the exercise of good judgment and sound decision-making in the care, transport, holstering, discussion, display, and/or use of a permitted weapon. Permittees are admonished that the weapon is used for the absolute last line of defense wherein all other alternatives short of lethal force have been exhausted.

In the event a permittee is detained or arrested by a law enforcement agency, or he/she is asked to present the permit to any peace officer, the permittee shall comply with the demands of the peace officer making such a demand.

An applicant neither earns nor holds any property right to a permit and/or its renewal. All permits are subject to inspection upon demand by the Sheriff or any peace officer.

The Sheriff may revoke, amend, or impose any specific restrictions on the permit as deemed reasonable and appropriate by him/her. These restrictions need not be specifically cited in the regulations, but may be assigned each permit as needed or warranted for the public good.

Renewal:

Generally, CCW licenses are valid not to exceed two (2) years from the date of license with the exception of Reserve Deputy licenses which are valid not to exceed four (4) years, or judicial licenses which are not to exceed three (3) years. Applicants are responsible for renewing their permit upon expiration without prior notification from the Sheriff's Office. However, the Sheriff has determined that there shall be an annual update of the CCW file for each applicant. The general two-year CCW will have this annual update in order to meet the Sheriff's requirements. The annual update shall include, but not be limited to, an updated photo if there were significant changes in appearance, a local and state records check. The fee involved for this annual update will only include the nominal county fee currently in effect at the time of the update. The firearms course will only be required every two (2) years—not on the annual update. The permittee shall show familiarization with each weapon listed on the CCW Permit.

Weapons:

CCW Permits pursuant to this policy have to be concealable weapons as described by the California Penal Code. Weapons approved shall be the product of a recognized manufacturer, free from mechanical and other flaws within tolerances determined by the manufacturer's specifications and in good working order. Weapons must also appear on the "Not Unsafe Gun" list produced by the California Department of Justice as a result of the Safe Gun Act of 2001.

Revocation or Seizure of Permit:

The Sheriff reserves the right to revoke, seize, amend, or not renew any CCW Permit at any time. When a CCW Permit is revoked, seized, amended, or not renewed, the

Undersheriff may, but is not obligated to hear matters of mitigation as presented by the applicant. The Sheriff is the final authority in all contested permits or restrictions. As previously stated, permits shall be surrendered to a peace officer upon demand. Failure to do so shall constitute grounds for immediate revocation of the permit by the Sheriff.

Number of Weapons Allowed Per Permit:

Permits shall normally be limited to not more than three (3) weapons. All weapons authorized by the permit must be registered to the applicant prior to the permit being issued.

Change of Address or Weapons:

Each permittee shall provide the sheriff's office within ten (10) days a change of physical address. This shall be done in person at the sheriff's office, so a new permit can be issued reflecting the change of address.

Any change in weapons shall also be completed within ten (10) days as well. Weaponry information shall include, but not be limited to, type of weapon (either pistol or revolver), manufacturer of the weapon, make, model and serial number, barrel length, and color.

Sheriff's Office Employees:

Not all department employees by mere virtue of their employment possess reasonable cause for possession of a CCW Permit. This determination shall be made on an individual basis. Department employees shall be subject to the same fees as citizens would be. Department employees already subjected to the law enforcement background investigation, psychological examination, or related physical, emotional, or character examinations need not repeat those unless there is specific cause determined by the Sheriff. The granting of a CCW Permit to a member of the department shall be specifically noted and posted in that employee's official personnel file located in Sheriff's Administration.

All department employees applying for a CCW Permit must meet the following minimum qualifications. They must have completed their initial probation, not be the subject of an internal investigation nor undergoing a disciplinary action, have a current evaluation report that is rated at least "satisfactory" or higher, have completed a course of instruction approved by the Sheriff, or approval by a department rangemaster of satisfactory completion of a departmental sponsored range program that the employee would normally be required to attend.

Approved Vendors for Concealed Weapons Training Course

BEN GLAU
P.O. BOX 5905
AUBURN, CA 95604
TELEPHONE: (530) 878-1198
EMAIL: bglaucw@juno.com

BIG HORN GUN SHOP
PLACERVILLE, CA
TELEPHONE: (530) 642-1892

CORDOVA SHOOTING CENTER
11551 DOUGLAS RD
RANCHO CORDOVA, CA
TELEPHONE: (916) 351-0538

DENNIS COOK
P. O. BOX 2892
TRUCKEE, CA
TELEPHONE: (530) 587-7662

JIM ROGERS
2270 GREENBRIAR CT
YUBA CITY, CA 95993
TELEPHONE: (530) 674-9426

JOHN D. MYERS
4476 POWERLINE RD
OLIVEHURST, CA
TELEPHONE: (530) 742-3630

LEANDER C. MCGRUFF
3106 BEACHCOMBER DR. E.
ROCKLIN, CA 95677-4783
TELEPHONE: (916) 415-0282
PAGE: (800) 278-5759
(Most Classes @ Lincoln Rifle Club)

PERSONAL DEFENSE
P. O. BOX 295
PORTOLA, CA
TELEPHONE: (775) 825-1498

PLACER COUNTY PISTOL CLUB
FIREARMS SCHOOL
4256 WISE RD, LINCOLN, CA
TELEPHONE: (916) 645-1609

THE RANGE
13235 GRASS VALLEY AVE
GRASS VALLEY, CA 95945
TELEPHONE: (530) 273-4440

SACRAMENTO SHOOTING CENTER
(FOLSOM SHOOTING CLUB, INC.)
15501 MEISS RD
TELEPHONE: (916) 952-3780
(Currently offers 4 hr class only)

SAFER ARMS
2265 DOMINIC DR
CHICO, CA
TELEPHONE: (530) 893-2235

SHOOTERS PARADISE
1407A COLUSA AVE
YUBA CITY, CA
TELEPHONE: (530) 673-4100

SIERRA FIREARMS TRAINING
DIAMOND SPRINGS, CA.
CALIF & NEVADA CCW COURSES
PH: 800-234-0213
www.sierragun.com

STRAIGHT SHOT CONSULTING
KEN R. GREENWOOD
6400 KRISTIN LEE WAY
PLACERVILLE, CA 95667
TELEPHONE: (530) 647-2456

UNIVERSAL SECURITY ACADEMY
2382 FRUITRIDGE RD
SACRAMENTO, CA 95822
TELEPHONE: (916) 393-7878

**NEVADA COUNTY SHERIFF'S OFFICE
STATE and LOCAL FEES - 2004**

Initial Applicant*

Business (90 day)	\$ 78.00
Standard (2 year)	100.00
Judicial (3 year)	122.00
Reserve/Custodial (4 year)	144.00

Renewals*

Business (90 day)	\$ 30.00
Standard (2year)	52.00
Judicial (3 year)	74.00
Reserve/Custodial (4 year)	96.00

*Above are State and Federal fees. The Sheriff's Office processing fee is an additional \$23.00.

*Sheriff's Office processing fee is an additional \$7.00.

In the interim year the Sheriff's Office requires revalidation, the county fee is \$7.00.

Effective: 11-01-2004

California Department of Justice



STANDARD APPLICATION FOR LICENSE TO CARRY A CONCEALED WEAPON (CCW)

State of California, Department of Justice
Standard Application for CCW License

Official Use Only -Type of Permit Requested
() Standard () Judge
() Reserve Officer () 90 Day

Public Disclosure Admonition

I understand that I am obligated to be complete and truthful in providing information on this application. I understand that all of the information disclosed by me in this application may be subject to public disclosure.

Applicant Signature

Date

Witness Signature / Badge Number

Date

Section 1 - Applicant Personal Information

Name: _____
Last First Middle

If Applicable,
Maiden Name or Other Name(s) Used: _____

City and County Country of
of Residence: _____ Citizenship: _____

Date of Birth: _____ Place of Birth: _____
City County State

Height: _____ Weight: _____ Color Eyes: _____ Color Hair: _____

Section 2 - Applicant Clearance Questions

1. Do you now have, or have you ever had a license to carry a concealed weapon (CCW)?
No _____ Yes _____ (If yes, please indicate below. Use additional pages if necessary.)

Issuing Agency _____ Issue Date _____ CCW# _____

2. Have you ever applied for and been denied a license to carry a concealed weapon?
No _____ Yes _____ (If yes, give agency name, date and reason for denial.)

Standard Application for CCW License

Section 2 - Applicant Clearance Questions - (continued)

3. Have you ever held and subsequently renounced your United States citizenship?
No _____ Yes _____ (If yes, explain):

4. If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable? No _____ Yes _____ (If yes, explain):

5. Are you now, or have you been, a party to a lawsuit in the last five years?
No _____ Yes _____ (If yes, explain):

6. Are you now, or have you been, under a restraining order(s) from any court?
No _____ Yes _____ (If yes, explain):

7. Are you on probation or parole from any state for conviction of any offense including traffic? No _____ Yes _____ (If yes, explain):

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Section 2 - Applicant Clearance Questions - (continued)

8. List all traffic violations (moving violations only) and motor vehicle accidents you have had in the last five years. (Use additional pages if necessary.)

Date	Violation / Accident	Agency / Citation #

9. Have you ever been convicted for any criminal offense (civilian or military) in the U.S. or any other country?

No _____ Yes _____ (If yes, explain including date, agency, charges, and disposition.)

10. Have you withheld any fact that might affect the decision to approve this license?

No _____ Yes _____ (If yes, explain):

Section 3 - Descriptions of Weapons:

List below the weapons you desire to carry if granted a CCW. You may carry concealed only the weapon(s) which you list and describe herein, and only for the purpose indicated. Any misuse will cause an automatic revocation and possible arrest. (Use additional pages if necessary.)

Make	Model	Caliber	Serial No.
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

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Standard Application for CCW License

Applicant
Name: _____

Last

First

Middle

Date of Birth: _____

Age: _____

Social Security No.: _____

California DL/ID No.: _____

Driver's License Restrictions: _____

Residence Address:

Number

Street

Apt.

City

State

Zip

Mailing Address (if different):

Number

Street

Apt.

City

State

Zip

Home / Personal Phone Numbers: () _____

Spouse's Name and Address: _____

Applicant Occupation: _____

Business / Employer Name: _____

Business Phone Number: () _____

Business Address:

Number

Street

Apt.

City

State

Zip

1. List all previous home addresses for the past five years.

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If the CCW license is desired for self-protection, the protection of others, or for the protection of large sums of money or valuable property, you are required to explain and provide good cause for issuance of the license. For example, has your life or property been threatened or jeopardized? Explain incidents and include dates, times, locations, and names of police agencies to which these incidents were reported.

Details of Reason for Applicant Desiring a CCW License (use additional sheets if needed).

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Section 6 - Agreement to Restrictions and to Hold Harmless

I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

I understand that the acceptance of my application by the licensing authority does not guarantee the issuance of a license and that fees and costs are not refundable if denied. I further understand that if my application is approved and I am issued a license to carry a concealed weapon, that the license is subject to restrictions placed upon it and that misuse of the license will cause an automatic revocation and possible arrest and that the license may also be suspended or revoked at the discretion of the licensing authority at any time. I am aware that any use of a firearm may bring criminal action or civil liability against me.

I have read, understand, and agree to the CCW license liability clauses, conditions, and restrictions stated in this Application and Agreement to Restrictions and to Hold Harmless.

I have read and understand the applicable Penal Code sections regarding False Statements on a CCW Application, Manslaughter, Killing in Defense of Self or Property, Limitation on Self-defense and Defense of Property, and Child Access and Firearm Storage, stated in this application.

I have read and understand Attachment 1 - California Prohibiting Categories for a CCW License, Attachment 2 - California Prohibiting Misdemeanors, and Attachment 3 - Federal Prohibiting Categories for Possessing Firearms. I further acknowledge that these Prohibiting Categories can be amended or expanded by state or federal legislative or regulatory bodies and that any such amendment or expansion may affect my eligibility to hold a CCW.

Applicant Signature

Date

Witness Signature / Badge Number

Date

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Section 8 - Certification and Release of Information

I hereby give permission to the agency to which this application is made to conduct a background investigation of me and to contact any person or agency who may add to or aid in this investigation. I further authorize persons, firms, agencies and institutions listed on this application to release or confirm information about me and statements I have made as contained in this application.

Notwithstanding any other provision of law and pursuant to the Public Records Act (Government Code section 6250 et seq.), I understand that information contained in this application may be a matter of public record and shall be made available upon request or court order.

I hereby certify under penalties of perjury and Penal Code section 12051(b) and (c), that the answers I have given are true and correct to the best of my knowledge and belief, and that I understand and agree to the provisions, conditions, and restrictions herein or otherwise imposed.

Applicant Signature

Date

Witness Signature / Badge Number

Date

State of California, Department of Justice
Standard Application for CCW License

Section 4 - CCW License Conditions and Restrictions

The licensee is responsible for all liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit, or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

The licensee authorizes the licensing agency to investigate, as they deem necessary, the licensee's record and character to ascertain any and all information which may concern his/her qualifications and justification to be issued a license to carry a concealed weapon and release said agency of any and all liability arising out of such investigation.

While exercising the privileges granted to the licensee under the terms of this license, the licensee shall not, when carrying a concealed weapon:

- Consume any alcoholic beverage.
- Be in a place having a primary purpose of dispensing alcoholic beverages for on-site consumption.
- Be under the influence of any medication or drug, whether prescribed or not.
- Refuse to show the license or surrender the concealed weapon to any peace officer upon demand.
- Impede any peace officer in the performance of his/her duties.
- Present himself/herself as a peace officer to any person unless he/she is, in fact, a peace officer as defined by California law.
- Unjustifiably display a concealed weapon.
- Carry a concealed weapon not listed on the permit.
- Carry a concealed weapon at times or circumstances other than those specified in the permit.

Pursuant to U.S. Government Code - Title 49, Chapter 26, Section 1472 (1) and Federal Aviation Regulation 121.583, a license to carry a concealed weapon does not authorize a person to carry a firearm, tear gas, or any dangerous weapon aboard commercial airlines. Further, a person must declare that he/she is carrying such firearm, tear gas, or dangerous weapon BEFORE entering the boarding area of an air terminal where the security checks are made. Such violation can result in arrest by law enforcement.

Any violation of these restrictions or conditions may invalidate the CCW license and may void any further use of the license until reinstated by the licensing authority. Any arrest for a felony or serious misdemeanor, including driving under the influence of alcohol and/or drugs, is cause for invalidating the license.

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Section 5 - Applicable California Penal Code Sections

The following Penal Code sections are of special importance to the holder of a CCW license regarding the use, carrying, and storage of firearms:

Penal Code Section 12051 - Applications for CCW Licenses; False Statements

(b) Any person who files an application required by subdivision (a) knowing that statements contained therein are false is guilty of a misdemeanor.

(c) Any person who knowingly makes a false statement on the application regarding any of the following shall be guilty of a felony:

- (1) The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to Section 12050.
- (2) A criminal conviction.
- (3) A finding of not guilty by reason of insanity.
- (4) The use of a controlled substance.
- (5) A dishonorable discharge from military service.
- (6) A commitment to a mental institution.
- (7) A renunciation of United States citizenship.

Penal Code Section 192 - Manslaughter

Manslaughter is the unlawful killing of a human being without malice.

- (a) Voluntary - upon a sudden quarrel or heat of passion.
- (b) Involuntary - in the commission of an unlawful act, not amounting to a felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection; provided that this subdivision shall not apply to acts committed in the driving of a vehicle.

Penal Code Section 197 - Justifiable Homicide; Any Person

Homicide is justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,
3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,
4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

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Section 5 - Applicable California Penal Code Sections - (continued)

**Penal Code Section 198 - Justifiable Homicide; Sufficiency of Fear
(Limitation of Self-defense of Property Rule)**

A bare fear of the commission of any of the offenses mentioned in subdivisions 2 and 3 of Section 197, to prevent which homicide may be lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

Penal Code Section 199 - Justifiable and Excusable Homicide; Discharge of Defendant
The homicide appearing to be justifiable or excusable, the person indicted must, upon his trial, be fully acquitted and discharged.

Penal Code Section 12035 - Storage of Firearms Accessible to Children

(a) As used in this section, the following definitions shall apply:

- (1) "Locking device" means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.
- (2) "Child" means a person under the age of 16 years.
- (3) "Off-premises" means premises other than the premises where the firearm was stored.
- (4) "Locked container" has the same meaning as set forth in subdivision (d) of Section 12026.2.

(b)(1) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the first degree" if he or she keeps any loaded firearm within any premise which is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.

(2) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the second degree" if he or she keeps any loaded firearm within any premise which is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes injury, other than great bodily injury, to himself, herself, or any other person, or carries the firearm either to a public place or in violation of Section 417.

(c) Subdivision (b) shall not apply whenever any of the following occurs:

- (1) The child obtains the firearm as a result of an illegal entry to any premises by any person.
- (2) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (3) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.
- (4) The firearm is locked with a locking device that has rendered the firearm inoperable.
- (5) The person is a peace officer or a member of the armed forces or national guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
- (6) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person, or persons.
- (7) The person who keeps a loaded firearm on any premise which is under his or her custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premise.

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Section 5 - Applicable California Penal Code Sections - (continued)

Penal Code Section 12036 -Firearms Accessed by Children and Carried Off-premises

(a) As used in this section, the following definitions shall apply:

- (1) "Locking device" means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.
- (2) "Child" means a person under the age of 16 years.
- (3) "Off-premises" means premises other than the premises where the firearm was stored.
- (4) "Locked container" has the same meaning as set forth in subdivision (d) of Section 12026.2.

(b) A person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premise that is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to that firearm without the permission of the child's parent or legal guardian and the child obtains access to that firearm and thereafter carries that firearm off-premises, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) A pistol, revolver, or other firearm capable of being concealed upon the person that a child gains access to and carries off-premises in violation of this Section shall be deemed "used in the commission of any misdemeanor as provided in this code or any felony" for the purpose of subdivision (b) of Section 12028 regarding the authority to confiscate firearms and other deadly weapons as a nuisance.

(d) This Section shall not apply if any one of the following circumstances exists:

- (1) The child obtains the pistol, revolver, or other firearm capable of being concealed upon the person as a result of an illegal entry into any premises by any person.
- (2) The pistol, revolver, or other firearm capable of being concealed upon the person is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (3) The pistol, revolver, or other firearm capable of being concealed upon the person is locked with a locking device that has rendered the firearm inoperable.
- (4) The pistol, revolver, or other firearm capable of being concealed upon the person is carried on the person within such a close range that the individual can readily retrieve and use the firearm as if carried on the person.
- (5) The person is a peace officer or a member of the armed forces or national guard and the child obtains the pistol, revolver, or other firearm capable of being concealed upon the person during, or incidental to, the performance of the person's duties.
- (6) The child obtains, or obtains and discharges, the pistol, revolver, or other firearm capable of being concealed upon the person in a lawful act of self-defense or defense of another person or persons.
- (7) The person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.



Attachments

State of California, Department of Justice
Standard Application for CCW License

Attachment 1

**CALIFORNIA PROHIBITING CATEGORIES FOR A CCW LICENSE
As of January, 1999**

- Persons convicted of a felony, or any offense enumerated in section 12021.1 of the Penal Code (PC).
- Persons addicted to the use of narcotics.
- Persons denied firearm possession as a condition of probation pursuant to PC section 12021(d).
- Persons convicted of a specified misdemeanor pursuant to PC section 12021(c)(1) are prohibited from purchasing or possessing firearms for 10 years (see Attachment 2).
- Juveniles adjudged wards of the juvenile court because they committed a 707(b) Welfare and Institutions Code (WIC) offense, an offense described in PC section 1203.073 (b) or any offense enumerated in PC section 12021 (c) (1) are prohibited until they reach age 30.
- Persons who are subject to a protective order as defined in section 6218 of the Family Code, or a temporary restraining order or injunction issued pursuant to sections 527.6 or 527.8 of the Code of Civil Procedure.
- Persons found by a court to be a danger to others because of mental illness.
- Persons found by a court to be mentally incompetent to stand trial.
- Persons found by a court to be not guilty by reason of insanity.
- Persons adjudicated to be a mentally disordered sex offender.
- Persons placed on a conservatorship because they are gravely disabled as a result of a mental disorder or impairment by chronic alcoholism.
- Persons who communicate a threat to a licensed psychotherapist, against a reasonably identifiable victim, and the psychotherapist reports to law enforcement pursuant to WIC section 8100(b), are prohibited from purchasing or possessing a firearm for 6 months.
- Persons in a mental health facility certified pursuant to WIC sections 5250, 5260, and 5270.15 are prohibited from possessing or purchasing or attempting to purchase firearms for 5 years.
- Persons who are voluntary patients in a mental facility who are determined to be a danger to self or others are prohibited from purchasing or possessing a firearm between admission and discharge.
- Persons under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year.

State of California, Department of Justice
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Attachment 2

**CALIFORNIA PROHIBITING MISDEMEANORS
As of January, 1999**

Pursuant to Penal Code (PC) section 12021(c)(1), any person who has been convicted of a misdemeanor violation for any of the following offenses is prohibited from owning, possessing, or having under his or her custody or control any firearms within 10 years of the conviction:

- Threatening public officers, employees and school officials (PC section 71).
- Threatening certain public officials, appointees, judges, staff or their families with the intent and apparent ability to carry out the threat (PC section 76).
- Possessing a deadly weapon with the intent to intimidate a witness (PC section 136.5).
- Threatening witnesses, victims, or informants (PC section 140).
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer (PC section 148(d)).

- Unauthorized possession of a weapon in a courtroom, courthouse or court building, or at a public meeting (PC section 171(b)).
- Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc. (PC section 171c).
- Taking into or possessing loaded firearms within the Governor's Mansion or residence of other constitutional officers, etc. (PC section 171(d)).
- Supplying, selling or giving possession of a firearm to a person for participation in criminal street gangs (PC section 186.28).
- Assault (PC sections 240, 241).

- Battery (PC sections 242, 243).
- Assault with a stun gun or Taber weapon (PC section 244.5).
- Assault with deadly weapon or force likely to produce great bodily injury (PC section 245).
- Assault with a deadly weapon or instrument, by any means likely to produce great bodily injury or with a stun gun or Taber on a school employee engaged in performance of duties (PC section 245.5).
- Shooting at an inhabited or occupied dwelling house, building, vehicle, aircraft, horsecart or camper (PC section 246).

- Discharging a firearm in a grossly negligent manner (PC section 246.3).
- Shooting at an unoccupied aircraft, motor vehicle, or uninhabited building or dwelling house (PC section 247).
- Inflicting corporal injury on a spouse or significant other (PC section 273.5).
- Willfully violating a domestic protective order (PC section 273.6).

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Attachment 2 (Continued)

**CALIFORNIA PROHIBITING MISDEMEANORS
As of January, 1999**

- Drawing, exhibiting, or using any deadly weapon other than a firearm (PC sections 417(a)(1), 417(a)(2)).
- Brandishing a firearm in presence of a peace officer (PC section 417.1 - repealed by stats. 1998).
- Drawing or exhibiting, selling, manufacturing, or distributing firearm replicas or imitations (PC section 417.2).
- Inflicting serious bodily injury as a result of brandishing (PC section 417.6).
- Bringing into or possessing firearms upon or within public schools and grounds (PC section 626.9).
- Stalking (PC section 646.9).

- Armed criminal action (PC section 12023).
- Possessing a deadly weapon with intent to commit an assault (PC section 12024).
- Driver of any vehicle who knowingly permits another person to discharge a firearm from the vehicle or any person who willfully and maliciously discharges a firearm from a motor vehicle (PC sections 12034(b), 12034(d)).
- Criminal possession of a firearm (PC section 12040).
- Firearms dealer who sells or transfers or gives possession of any firearm to a minor or a handgun to a person under the age of 21 (PC section 12072(b)).

- Various violations involving sales and transfers of firearms (PC section 12072(g)(3)).
- Person or corporation who sells any concealable firearm to any minor (PC section 12100(a) - repealed by stats. 1994).
- Unauthorized possession/transportation of a machine gun (PC section 12220).
- Possession of ammunition designed to penetrate metal or armor (PC section 12320).
- Carrying a concealed or loaded firearm or other deadly weapon or wearing a peace officer uniform, while picketing (PC section 12590).

- Bringing firearm related contraband into juvenile hall (WIC section 871.5).
- Bringing firearm related contraband into a youth authority institution (WIC section 1001.5).
- Purchase, possession, or receipt of a firearm or deadly weapon by a person receiving in-patient treatment for a mental disorder, or by a person who has communicated to a licensed psychotherapist a serious threat of physical violence against an identifiable victim (WIC section 8100).
- Providing a firearm or deadly weapon to a person described in WIC sections 8100 or 8103 (WIC section 8101).
- Purchase, possession, or receipt of a firearm or deadly weapon by a person who has been adjudicated to be a mentally disordered sex offender or found to be mentally incompetent to stand trial, or not guilty by reason of insanity, and individuals placed under a conservatorship (WIC section 8103).

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Attachment 3

FEDERAL PROHIBITING CATEGORIES FOR POSSESSING FIREARMS
Gun Control Act of 1968, Title 18 U.S.C. Chapter 44
As of January, 1999

Pursuant to Section 922, any person listed below is prohibited from possessing, shipping, transporting, or receiving any firearm, who:

- Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.
- Is a fugitive from justice.
- Is an unlawful user of or addicted to any controlled substance.
- Has been adjudicated as a mental defective or committed to a mental institution.
- Is an alien illegally or unlawfully in the United States.
- Has been discharged from the Armed Forces under dishonorable conditions .
- Having been a citizen of the United States, has renounced U.S. citizenship.
- Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner.
- Has been convicted in any court of a misdemeanor crime of domestic violence.
- Is under indictment for a crime punishable by imprisonment for a term exceeding one year.
- Has an out-of-state prohibitive criminal history.
- Has a prior denial on a previous National Instant Criminal Background Check System (NICS) inquiry.