

License to Carry a Firearm

218.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code § 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public, this policy is available on the Police Department website

218.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief department from entering into an agreement with the Santa Barbara County Sheriff or preclude the Santa Barbara County Sheriff from entering into an agreement with the Chief department to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

218.2 POLICY

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

218.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must meet certain requirements, including:

- (a) Be a resident of the City of Lompoc (Penal Code § 26150; Penal Code § 26155).
- (b) Be at least 21 years of age (Penal Code § 29610).
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted by the Department of Justice.
- (e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).
 1. According to www.law.cornell.edu, good moral character and reputation mean the possession of honesty and truthfulness, trustworthiness and reliability, and a professional commitment to the legal process and the administration of justice, as well as the condition of being regarded as possessing such qualities.
- (f) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (g) Provide proof of ownership or registration of any firearm to be licensed.
- (h) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).

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- (i) Complete required training (Penal Code § 26165).

218.3.1 POTENTIAL REASONS WHY A CCW APPLICATION/PERMIT MAY BE DENIED:

- FEDERAL – Title 18, U.S.C., Section 922(g)(1) – Convicted in Court – Term exceeding 1 year.
- FEDERAL – Title 18, U.S.C., Section 922(g)(2) – Fugitive from Justice
- FEDERAL – Title 18, U.S.C., Section 922(g)(4) – Adjudicated Mental Defective
- FEDERAL – Title 18, U.S.C., Section 922(g)(5) – Illegally in the United States
- FEDERAL – Title 18, U.S.C., Section 922(g)(6) – Dishonorable Discharge
- FEDERAL – Title 18, U.S.C., Section 922(g)(7) – Renounced Citizenship
- FEDERAL – Title 18, U.S.C., Section 922(g)(8) – Court Order – Harassment/Stalking
- FEDERAL – Title 18, U.S.C., Section 922(g)(9) – Misdemeanor Crime of Domestic Violence conviction.
- FEDERAL – Title 18, U.S.C., Section 922(g)(n) – Punishable by imprisonment for more than one year.
- FEDERAL – Title 18, U.S.C., Section 922(g)(3) – Unlawful user of controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))
- Applicant adjudicated by a State or Federal court as being Mentally Incompetent to stand trial, having been committed to a mental institution, or being found not guilty by reason of insanity for a felony.
- Discharged from custody in the preceding 20 years after a finding of not guilty of Any arrest in the last 5 years, regardless of the disposition.
- a crime by reason of mental disease or defect; or confined to a mental hospital in the 12 months before applying for a permit or certificate.
- Danger to themselves or others due to a past pattern of behavior or threats involving unlawful violence (including threats or attempts of suicide).
- Juvenile delinquency in the past 7 years for an offense that would be deemed a violent offense if committed when an adult.
- Illegal drug use in the last 5 years.
- Any Felony conviction (a crime with a jail term exceeding 1 year) making possession of a firearm illegal.
- Changing the address of residence but did not update the Department of Motor Vehicles and /or advise the Licensing agency of the change in address of residence, within the required ten (10) day period.
- Bringing a firearm into a prohibited area.
- Subject to a firearm seizure order issued after notice and a hearing.

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- Any conviction for a crime involving Domestic Violence in any State.
- A conviction for a crime of Moral Turpitude including but not limited to (fraud, theft, tax evasion, issuing bad checks, robbery, bribery, perjury, extortion, arson, rape, terrorism, burglary, attempted lewd acts on a minor, child abuse, felon in possession of a firearm, falsifying government records, forgery, receiving stolen property, vandalism, kidnapping).
- Outstanding warrant for arrest (Wanted Person or fugitive from justice).
- Conviction for a Crime of Violence.
- Current subject of a Protective Order
- Not qualified to purchase or possess a dangerous weapon or handgun pursuant to federal law (a restricted person).
- Illegal Alien
- Renounced your US Citizenship
- Do not have their primary residence in the incorporated boundaries of the City of Lompoc.
- Under the age of 21 years old.
- Dishonorable discharge from the U.S. Military, reported military domestic violence conviction, convicted of domestic violence (1996 Lautenberg Act).
- Deemed unsuitable for any of the following reasons:
 - Possession of any 3-D printed firearm part, or firearms lacking a serial number ("ghost guns").
 - Any arrest in the last 5 years, regardless of the disposition.
 - Any conviction in the last 7 years.
 - Dishonesty on the application and/or during the interview or failure to disclose information.
 - Pattern of irresponsibility including but not limited to suspended driver's license, numerous traffic citations, including traffic-related warrants, or civil lawsuits.
 - Domestic violence or behavioral issues which are not necessarily criminal.
 - Use of any cannabis product within 1 year of the application date. Any use within 1-year of the application date may be subject to case-by-case review, focusing on the amount of usage, frequency, and circumstances of use to determine whether the applicant demonstrates a sufficient level of responsibility consistent with the other criteria for issuance.
 - Possession of any 3-D printed firearm part, or firearms lacking a serial number ("ghost guns").

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218.4 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.

218.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 1. If an incomplete application package is received, the Chief of Police or the authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good moral character).
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the City of Lompoc for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).
 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
 - PC 26190(f)(1) if psychological testing on the initial application is required by the licensing authority, the license applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. The applicant may be charged for the actual cost of the testing in an amount not to exceed one hundred fifty dollars (\$150).
 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A recent passport-size photo (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined

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to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26195).

- (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.
 - 3-D printed firearm or firearm parts, or firearms lacking a serial number ("ghost gun") will not be authorized.
- (f) Once the Chief of Police or authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.
- (g) In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 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. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

218.4.2 PHASE TWO

This phase is to be completed only by those applicants successfully completing phase one.

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or the authorized designee. During this stage, there will be further discussion of the applicant's application and clarifying questions into the investigation findings related to the applicant's good moral character and any potential conditions that might be placed on the license.
 - The determination of good moral character should consider the totality of circumstances in each individual case.
 - Any denial of a lack of good moral character should be rational, articulable, and not arbitrary in nature.
 - The Department will provide written notice to the applicant as to the determination of good moral character (Penal Code Section 26202).
- (b) The applicant shall complete a course of training approved by the department, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good moral character (Penal Code Section 26165; Penal Code Section 26202).
- (c) The applicant shall submit the firearm(s) to be considered for a license to the certified and approved Rangemaster or other department authorized gunsmith(s), 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).

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- The list of approved Certified Range Masters will be made available to the applicant at the time of their interview with the Professional Standards Sergeant.
- (d) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department-approved 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.
- (e) Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 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. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

218.5 ISSUED FIREARMS PERMITS

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

- (a) The license will be subject to certain conditions for the licensee to observe while carrying the firearm in order to protect the licensee and the public.
 1. All such conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
 2. The licensee will be required to sign a Conditions Agreement. Any violation of any of the conditions agreement may result in the immediate revocation of the license.
- (b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, conditions, and other pertinent information clearly visible.
 1. Each license shall be numbered and clearly identify the licensee.
 2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer upon reasonable request or as necessary for renewal.
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 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.

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- (d) 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).
- (e) The licensee shall notify this department in writing within 10 days of any change of place of residency.

218.5.1 LICENSE CONDITIONS

- (a) The Chief of Police will place conditions on the manner, and circumstances under which carrying a licensed firearm shall be valid. The following conditions are prohibited:
 - 1. Consuming any alcoholic beverage while armed.
 - 2. Consuming any controlled substance, including any cannabis product while armed.
 - 3. Falsely representing him/herself as a peace officer.
 - 4. Illegally, unjustifiably, or unreasonably displaying of any firearm.
 - 5. Committing any crime.
 - 6. Being under the influence of any medication or drug while armed.
 - 7. Interfering with the lawful exercise of any peace officer in the performance of their duties.
 - 8. Refusing to display his/her license or firearm for inspection upon request of any peace officer in order to confirm the status of the licensure and compliance with applicable laws.
 - 9. Loading or discharging the permitted firearm with illegal ammunition.
- (b) The Chief of Police or his/her designee reserves the right to inspect any license or licensed firearm at any time for purposes of determining compliance with the terms of licensure, this policy, and applicable laws.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, or modifications that alter in any way the firing capabilities of the firearm shall void any license and serve as grounds for immediate revocation.

218.5.2 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 in order to: (Penal Code § 26215):

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (Penal Code § 26210).

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In the event that any amendment to a valid license is approved by the Chief of Police, 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.

218.5.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Chief of Police for any of the following reasons:

- (a) The licensee has violated any of the conditions placed upon the license.
- (b) The licensee becomes psychologically unsuitable to carry a firearm.
- (c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103, or any state or federal law.
- (d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good moral character from the original issuance of the license.

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

If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

218.5.4 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 Chief of Police for 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 moral character (Penal Code Section 26165).
- (c) Submitting any firearm to be considered for a license renewal to the approved Rangemaster 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).
- (d) Paying a non-refundable renewal application fee.

Once the Chief of Police or the authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

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Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

218.6 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 26225, the Chief of Police shall maintain a record of the following and immediately provide copies of each to the California DOJ:

- (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 Chief of Police shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

218.7 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner or judge contained in an application shall not be considered public record (Government Code § 6254(u)(2)).

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 or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

218.8 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of municipal police department may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing.