

## CALIFORNIA CARRY LICENSE (“CCW”) GUIDE AND FAQ

### **I. APPLYING FOR A CARRY LICENSE**

All individuals seeking to obtain a California Carry License must complete the standard Department of Justice “[Initial and Renewal Application for License to Carry a Concealed Weapon](#)” form (BOF Form #2012, Rev. 11/2012).

**Q: Where do I Submit my Application for a Carry License?**

A: Applicants residing in an unincorporated county territory can only apply to the sheriff of their county. If they reside in an incorporated city, they can apply to either the city police department (assuming it is an issuing authority) or the county sheriff.

Sheriffs are required to accept all CCW applications. Police Chiefs can opt out of being a CCW issuing authority, in which case they cannot accept *any* applications (the Sheriff of the county in which the city is located then becomes the sole issuing authority), but if they are an issuing authority, they too must accept all applications. Some issuing authorities will refuse to accept an application because they require applicants to apply to their city of residence first (or vice versa). But, this is an illegal practice. If the issuing authority insists, please [contact us](#).

*Note: As discussed below, some agencies may require the individual to schedule an appointment to go over the initial application before filling it out.*

**Q: Where Can I Find the Application Form?**

A: Many issuing authorities post the standard Department of Justice application on their website. If not, a copy of the application form can be found on the [Michel & Associates, P.C. Website](#).

**Q: What Do I Need to Know in Completing the Application?**

A: On page 2 of the application, it states that the applicant should not write in the “Public Disclosure Admonition” section, the “Agreement to Restrictions and to Hold Harmless” section, and the “Release of Information and Declaration” sections, as these all need to be completed in the presence of an agent of the issuing authority who will co-sign, usually at the initial interview stage. The “Investigator’s Interview Notes” section

(section 7) should also be left blank unless otherwise instructed by the issuing authority.

**Q: What Happens if I Provide False Information in My Application?**

A: At the very least, you are subject to prosecution for a misdemeanor, and if the information concerned a denial or revocation of a license, a criminal conviction, an insanity determination, use of a controlled substance, dishonorable discharge from the armed services, commitment to a mental institution, or renunciation of U.S. citizenship, you may be guilty of a felony.

**Q: Do I Need to Submit Anything Other Than the Application?**

A: With the application, applicants may also be required to submit fingerprints using the livescan method and pay the associated fee of \$95. Livescan is a digital method of fingerprinting and is usually done with the issuing authority, but if the issuing authority allows it, can be done with any Department of Justice certified livescan operator. Other than the livescan fingerprinting, the issuing authority cannot require any additional information beyond what is asked for in the standard Department of Justice application, except what is necessary to clarify or interpret the answers given in the application.

*Note: Unfortunately, some issuing authorities in California require additional information, despite being illegal. Additional litigation may be necessary to correct this.*

**Q: Are There Any Fees Required to Apply?**

A: California law authorizes issuing authorities to charge of a fee of up to \$100 to process an application fee. However, only the first 20% (i.e. \$20 maximum) of the local application fee may be collected by the issuing authority up front. No other fees may be collected at this time, except the fees for livescan fingerprinting if required. Only upon a determination of good cause may the issuing authority then require the remaining fees to be collected. Not all issuing authorities require an application fee.

**Q: Why Must I List a Handgun in my Application?**

A: An applicant must list on page 5 of the Department of Justice application the make, model, caliber, and serial number of the firearms to be used in conjunction with the license. A carry license holder is only allowed to

carry those firearms that are listed on the license. *Some issuing authorities check to make sure the weapon is not stolen, subject to an investigation, or otherwise questionable.* Contact your issuing authority regarding what the limits (if any) there are as to how many firearms may be listed.

*Note: Although it is possible to have a carry license with no listed firearm, to carry a firearm under a carry license it must be listed on the license or added to the license at a later date. Practically speaking, it is unlikely that an issuing authority will issue a carry license to an individual who does not list a firearm on their initial application.*

**Q: Can I List Firearms on the Application That I Do Not Own?**

A: Whether a wife can list a handgun that her husband owns, for example, will depend on the issuing authority's policy. Check with your issuing authority.

**Q: Must I Possess a Handgun Before I Begin the Application Process?**

A: Check with your issuing authority if it is required you list the handgun(s) you wish to list on the application at the start of the application or if you can wait until your application has been evaluated.

**Q: What is the Initial Interview?**

A: Some issuing authorities require an applicant to attend an initial interview conducted by a representative of the issuing authority. At the interview, the issuing authority will generally go over the application and the department's policies. Contact your issuing authority to set up an appointment for the interview if required and to determine what, if anything, you must bring with you.

*Note: It is illegal for an issuing authority to require any information that is not otherwise required in the application. However, authority is allowed to ask questions to clarify any responses you have given on the application should it be necessary.*

## II. QUALIFYING FOR A CARRY LICENSE

### Q: What are the Requirements to Obtain a Carry License?

A: Applicants seeking a carry license must show:

- 1) They have “*good cause*” for the license,
- 2) They are of *good moral character*,
- 3) They are *a resident* of the city or county in which they apply,
- 4) They *possess a handgun* and list it on the application,
- 5) They complete all required *training*,
- 6) They pass a *background check* confirming they are not prohibited from possessing firearms under California or Federal law,
- 7) They pass a *psychological test*, if required by the issuing authority, and
- 8) They pay all required *fees*.

### Q: What is Good Cause?

A: The ability to obtain a carry license in any given jurisdiction generally depends on the respective issuing authority’s interpretation of what constitutes “good cause.” There is no definition for “good cause.” As the law is currently understood, the issuing agency has broad discretion to determine what constitutes “good cause.” Some issuing agencies simply require the assertion of a need for self-defense to establish “good cause,” while others require applicants to provide evidence of a serious threat to their lives or even refuse to issue any license (or rarely do), essentially no matter what evidence of “good cause” an applicant provides. Different jurisdiction interpretations of what constitutes “good cause” have led to wide disparity in whether carry licenses are issued in any given jurisdiction. Recently, the NRA won a landmark ruling in the case of [\*Peruta v. County of San Diego\*](#). In *Peruta*, a three judge panel from the Ninth Circuit Court of Appeals struck down San Diego County Sheriff William Gore’s policy requiring that law-abiding adults prove they have a special need in order to establish “good cause” to be issued a carry license.

If the *Peruta* decision stands, issuing authorities will have to accept “self-defense” as satisfying the “good cause” requirement. Because the *Peruta* decision has yet to become final, not all counties are accepting “self-defense” as good cause. Many counties however already do regardless of *Peruta*. Contact your issuing authority or consult its policy statement to determine what is required for you to establish “good cause.”

**Q: What is Good Moral Character?**

A: Current California law also gives broad discretion to issuing authorities in determining whether an applicant has good moral character. It is currently unclear, however, exactly how much discretion issuing agencies enjoy. Usually, however, an applicant is considered to be of good moral character if they pass the required background check and do not have any serious documented instances of poor judgment in their recent past. Of course some issuing authorities may use trivial incidents as a basis for denial. There will undoubtedly be litigation over the limits or troubling behavior of issuing authorities discretion in this regard in the future.

**Q: What Does it Mean to be a Resident?**

A: It is not entirely clear what constitutes residency for a carry license application because it is not defined. In a [recent U.S. District Court ruling](#), residency was defined as “a status akin to ‘domiciliary’ under California law.” It is likely then that if the individual owns or rents their primary residence within the jurisdiction of the issuing authority, that person will satisfy this requirement.

*Note: For 90-Day permit applications, individuals may also apply if their primary business is located in the jurisdiction even if their residence is not.*

**Q: How Do I Know if I am Prohibited from Firearm Possession?**

A: Generally, people are prohibited by law from possessing firearms if they have been convicted of a felony, was dishonorably discharged from the military, is subject to a restraining order, convicted of a domestic violence charge, involuntarily confined to a mental institution, found not guilty by reason of insanity in any court proceeding, or been designated as a danger to themselves or others. The Department of Justice conducts this background check from the livescan fingerprinting provided with the application and forwards the results to the issuing authority. You can find

out before applying by submitting a [“Personal Firearms Eligibility Check”](#) to the California Department of Justice.

**Q: What Training Must I Complete?**

A: Applicants must complete a training course chosen by the issuing authority. The training itself cannot exceed 16 hours for first time applicants and must include instruction on firearm safety and laws regarding the lawful use of firearms. Alternatively, issuing authorities may require initial applicants to pass a community college course of up to twenty-four (24) hours in length but only if required of all applicants.

**Q: How do I Determine if an Instructor is Acceptable to my Issuing Authority?**

A: California law gives the issuing authority discretion to certify which individuals or entities can offer training to applicants, but not all of them do. Usually, at some point in the application process, the issuing authority will provide the applicant with information on where to obtain the required training. If not, just ask.

**Q: When Should I Begin Training?**

A: An individual should not begin the required training course, and cannot be required to do so, before a determination by the issuing authority has been made as to whether or not the individual has satisfied the “good cause” requirement. This prevents an individual from paying for a required training class only to be later denied a license for a foreseeable reason.

*Note: Some issuing authorities have restrictions on time frames for completing the required training. Consult your issuing authority and certified instructors for information concerning any time limits.*

**Q: Is There a Fee for Training?**

A: Most training is provided by private businesses, and as a result there is no limit on what the cost associated with such training can be. Most training courses however are competitive in terms of pricing ranging anywhere between \$200 to \$300 for a full 16 hour course usually.

**Q: My Issuing Authority Requires a Psychological Test, What do I do?**

A: California law allows issuing authorities to conduct psychological tests on applicants. If such testing is required, the applicant must be referred to a licensed psychologist used by the licensing authority to test its own employees. The cost for such a test cannot exceed \$150. Contact your issuing authority to arrange for an examination should this be required.

**Q: What are the Total Required Fees For Applying?**

A: There are two (2) fees an issuing authority may require in addition to the Department of Justice Background check report fee of \$95: 1) the local application fee, and 2) a psychological test fee, if required. The local application fee can be up to \$100, and a required psychological test can be up to \$150. This makes total maximum application fees for first time applications \$195 if no psychological test is required, or \$345 if one is.

*Note: This does not include fees that applicant's may have to pay to private individuals or entities for training or conducting the livescan.*

**Q: How Do I Know if I Qualify for a License?**

A: There is no sure way of knowing without applying (unless you know your are legally prohibited from possessing firearms. However, due to an NRA-sponsored bill, [SB 610 \(2012\)](#), every issuing authority is required by law to publish and make available a written policy explaining their view on each of the requirements. This policy must be available upon request, and can usually be found on the issuing authority's website. Information concerning all 58 county sheriffs and their respective policies can be found on our [California County Sheriff Carry License Policy and Information Database](#). If your issuing authority does not have such a policy, please [notify us](#).

*Note: Some Sheriffs still maintain policies that are illegal under California law. These policies are highlighted in red on the Policy and Information database and may require additional litigation to correct. Should you wish to obtain a license at this time and your issuing authority maintains such a policy, you will still be required to comply with such policies until they are corrected.*

### III. DETERMINATION TO DENY OR GRANT APPLICATION

**Q: What is the Initial Approval or Denial?**

A: After completing the initial interview or otherwise submitting the standard application form, applicants must be informed in writing whether the application has been initially approved and whether the applicant has demonstrated a satisfactory “good cause” for the issuance of a license as required by the issuing authority’s policy. A notification of initial denial means the application has been rejected. A notification of initial approval allows the applicant to proceed to the next phase of the application process and complete the required training, take fingerprints for a department of justice background check, undergo a psychological test (if required), and pay all remaining fees associated with the application. Upon determination that good cause does not exist, the written notice shall state the specific reason from the department’s published policy as to why. Should you receive a notice that your application has been denied for lack of “good cause,” and the notice fails to state a reason why you were denied under the issuing authority’s policy statement, please [notify us](#). You should also fill out and send [this letter](#) to your issuing authority.

**Q: I Have Been Initially Approved and Completed All Other Requirements, What Happens Now?**

A: The issuing authority is required to give written notice upon satisfying all of the above requirements to the applicant that the license is approved or denied. Senate Bill 610 (SB 610) sets out certain requirements for issuing authorities in processing carry license applications, including that they explain in writing what their specific policies are and if the applicant is denied, what part of the policy the applicant did not meet. If approved, the issuing authority will issue a license with the applicants picture, a list of firearms that can be carried by the applicant, and any restrictions placed on the license by the issuing authority.

**Q: How Long Do I Have to Wait for a Decision on My Application?**

A: How long the process takes from the point of turning in the initial application to the issuing authority making a decision to grant or deny the license can vary. An application can be denied almost immediately if the issuing authority’s initial determination is that the applicant lacks good cause. The issuing authority has up to 90 days from the individual turning in the application, or 30 days after the sheriff or police chief receives the



background check results from the Department of Justice, whichever is later, to provide the required written notice to the applicant indicating that the license has been approved or denied.

**Q: I Have Received Written Notice of my Denial, but it Does Not State Why I Was Denied, What Should I Do?**

A: Should you receive notice from your issuing authority that your application has been denied, and the notice fails to state a reason why you were denied, please [notify us](#). You should also fill out and send [this letter](#) to your issuing authority.

**Q: Can I Appeal a Denial of a License?**

A: There is nothing in the California Penal Code requiring issuing authorities to process appeals for the denial of a carry license. Most issuing authorities nevertheless choose to maintain such a system. Check your issuing authority's policy or contact it to determine whether it has an appeal process. You can always send a letter explaining your position.

**IV. RESTRICTIONS ON LICENSE HOLDERS**

**Q: Where Does My License Allow Me to Carry My Firearm?**

A: CCWs are generally valid statewide unless otherwise restricted by the issuing authority. Also, carry license holders are prohibited from bringing their firearm into federal facilities and buildings, bars or restaurants whose primary purpose is the dispensing of alcohol, "sterile areas" of airports, and other places. California law generally prohibits firearms on schools of all types, but exempts CCW holders. Familiarize yourself with the law before entering any place with your firearm. In addition to the law's general restrictions issuing authorities may include any reasonable time, place or manner restrictions on where license holders may carry. Consult your license for any such restrictions.

*Note: There is a website with a [map purporting to show what states recognize California CCWs](#). We cannot confirm the accuracy of the map, so you should **not** rely on it alone in deciding to carry a firearm under your license in another state. We link to it for information only. You should always consult an attorney in the state in which you wish to carry before doing so. Unless recognized by another state, the license is not valid outside of California.*

**Q: Are There Any Restrictions on When I Can Carry My Firearm With My License?**

A: Generally, a person cannot carry their firearm while consuming any alcoholic beverage or under the influence of any medication or drug. Furthermore, as a practical matter, a person can only carry their firearm while at the same time carrying their license. Consult your issuing authority for any additional restrictions.

**Q: What Happens if my Address Changes or I Otherwise Move my Residence?**

A: First, you must notify your issuing authority within 10 days of any change in a place of residence. A change of address cannot be grounds for *revocation* of a license, however if the license holder moves out of the county, and his or her place of residence was the basis for issuance of the license, the license will *expire* after 90 days.

**Q: What if I Want to Change the Handguns Listed on my License?**

A: California law allows carry license holders to add or delete authorized handguns from their license. To do so, they must file a [“CCW Amendment” application](#).

**Q: How Long is the Carry License Good For?**

A: Standard carry licenses for the average civilian are good for up to 2 years and can be renewed thereafter by reapplying.

**Q: Can My Issuing Authority Revoke My Existing License?**

A: Issuing authorities *must* revoke a license if the Department of Justice determines that the license holder is prohibited from possessing a firearm. Beyond that, it is unclear what authority an issuing authority has to revoke an issued license.

**Q: Can I Obtain a License to Carry a Firearm Openly?**

A: California generally prohibits openly carrying a firearm outside of places where it is legal to shoot, except in counties with a population of less than 200,000 persons where the sheriff (but not

any police chief) may issue licenses to do so. Unlike a *concealed* carry license, this license is only valid in the county in which it was issued, not throughout the entire state. Practically speaking, however, sheriffs rarely, if ever, issue these licenses.

## V. RENEWAL OF A LICENSE

### Q: What are the Differences Between a Renewal and Initial Application?

A: The major differences between renewal and initial applications are the fees associated with the applications and the training requirements, otherwise the process is the same. The Department of Justice Application form used for initial application is still required but instead of checking the “initial application” box on page 3, check the “renewal application” box.

### Q: What are the Required Fees For Standard Civilian Renewal Applications?

A: For renewal applications, the Department of Justice fingerprint fee is \$52, the local fee can be up to a maximum of \$25, and if good cause is shown to re-administer a psychological test, the testing fee of up to \$150. This makes the maximum renewal fee \$77 or \$227 if a psychological test is required.

*Note: Renewal applicants are only required to repeat the psychological test if good cause is shown to indicate a test is necessary.*

### Q: What is the Required Training for Renewal Applications?

A: The same rules apply for renewal applications except that the training must be a minimum of four (4) hours in length. Contact your issuing authority to determine the required training for renewal applications should you have specific questions.

## VI. PRIVACY

### Q: Will Anyone Know I Have Applied for a CCW or Whether I Received or Was Denied One?

A: Yes, California law requires that copies of Carry License applications and the licenses themselves generally must be disclosed if requested pursuant to the California Public Records

Act, Government Code section 6250, et seq. However, California law requires the Department to redact some sensitive information in the applications and licenses before disclosure, as follows:

- 1) when or where the applicant is vulnerable to attack,
- 2) a medical or psychological condition related to the applicant or his/her family, and
- 3) the home address and telephone number of peace officers, judges, court commissioners, and magistrates as found within the application for a CCW license. Cal. Gov't. Code § 6254(u)(1)-(2).

The Department must also redact any information from the physical licenses that would reveal the home address and telephone number of peace officers, judges, court commissioners, and magistrates before disclosing them. Cal. Gov't. Code § 6254(u)(3).

However, information that identifies applicants (name, occupation) and their firearms (make, model serial number, etc.), and other personal information likely cannot be redacted under California law. (Penal Code § 26225; *see also CBS, Inc. v. Block*, 42 Cal.3d 646 (1986)). While it appears they may, it is not completely clear whether the issuing authority may redact even sensitive information like addresses, phone numbers, and social security numbers.