

License to Carry a Firearm

207.1 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, issuance, denial, appeal, and revocation of a license to carry a firearm (Penal Code § 26150; Penal Code § 26155). Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

A Concealed Carry Weapon (CCW) license authorizes the license holder to carry a pre-approved firearm concealed on their person in some situations outside their home or place of business. California Penal Code § 26155 vests the Chief of Police of the Department with the authority to approve or deny CCW licenses to applicants who reside within the City. A CCW license can be issued for up to two years, or three years if the licensee is a judge, court commissioner, or magistrate.

In California, the decision to issue a CCW license is discretionary. Penal Code § 26155 provides that the Chief of Police "may" issue, but is not required to issue, a CCW license if certain minimum statutory criteria are satisfied. The Chief of Police's decision to issue a CCW license will depend on the circumstances in each individual case, and there is no guarantee that an applicant will receive a CCW license even if he or she satisfies all of the criteria listed below. If the circumstances warrant, the Chief also has the discretion to waive some of the listed requirements.

207.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police department from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police department to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

207.2 POLICY

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

207.3 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 Hermosa Beach (Penal Code § 26150; Penal Code § 26155). Applicant shall submit proof of residency in the City of Hermosa Beach (via a current utility bill, in the applicant's name, showing the current residency address). The applicant must have been a resident of the City for a minimum of one year prior to submitting an application for a CCW license, subject to a demonstration of proof upon request by the issuing authority.

Hermosa Beach Police Department

HBPD Policy Manual

License to Carry a Firearm

- (b) Submit proof of citizenship or legal residency in the United States (via original birth certificate, or naturalization certificate, or valid U.S. passport).
- (c) Submit proof (or clear evidence) of being at least 21 years of age (via original birth certificate, California Driver's License, or California Identification Card) as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
- (d) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
- (e) Submit fingerprints and complete criminal background check (Penal Code § 26185).
- (f) Be free from criminal arrests and/or convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted. Examples of arrests or convictions that would disqualify an applicant are:
 - 1. Any no-contest plea entered within the last 5 years, regardless of the offense
 - 2. Any conviction in the last 7 years
 - 3. Any arrest within the last 5 years, regardless of the offense or disposition, may disqualify an applicant, in the discretion of the Chief of Police.
- (g) Be of good moral character, subject to discretionary determination by the Chief of Police. This determination will be based on the totality of circumstances presented in each individual case, and may include verifying that the applicant at a minimum:
 - 1. Has no history of citations, arrests, convictions, civil lawsuits, employment discharges, license denials, license revocations, or other actions indicating a possible propensity for violence, moral turpitude, drug and/or alcohol abuse, carelessness with weapons, and/or dishonesty or untrustworthiness.
 - 2. Has provided at least three signed letters of character reference from individuals other than relatives. At least one letter must be from a current or former employer of the applicant (or a current or former customer or client, if applicant is self-employed); at least one must be from a person who knows the applicant through participation in an organization, club, church, or other recreational activity together; and at least one must be from a person who has known the applicant for not less than ten years (this requirement can be met by providing one of the previous two required letters, although a total of at least three letters must be provided).
 - 3. If required by the Department, has completed an in-person interview with the Chief of Police or designee which indicates that the applicant is honest, trustworthy, diligent, cautious with firearms, has respect for the law and the rights of others, lacks racist or other discriminatory characteristics, and that the applicant has been candid and forthcoming with the interviewing agent.
 - 4. Does not have a history of concerning online conduct, which may be independently verified by the Department's examination of the applicant's publicly available online and social media activity.
- (h) Pay all associated application fees (Penal Code § 26190).

Hermosa Beach Police Department

HBPD Policy Manual

License to Carry a Firearm

- (i) . Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Hermosa Beach Police Department Penal Code § 26162).
- (j) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190). These may include, but are not necessarily limited to:
 - 1. The applicant having been adjudicated by a state or federal court as being mentally incompetent to stand trial, having been committed to a mental institution, or found not guilty by reason of insanity for a felony.
 - 2. The applicant having been discharged from custody in the preceding 20 years after a finding of not guilty of 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.
 - 3. The applicant being a danger to themselves or others due to a past pattern of behavior or threats, demonstrated through police calls, complaints, or arrests relating to the applicant, or evidence in letters of reference received on behalf of the applicant, involving unlawful violence (including threats or attempts of suicide).
 - 4. The applicant demonstrating a pattern, demonstrated through any past police calls, complaints or arrests, or evidence in letters of reference received on behalf of the applicant, of violence, instability, hatred, racism, misogyny, discrimination, dishonesty, domestic abuse, or other concerning behavioral issues which are not necessarily criminal in nature but which reflect an inability to safely manage the responsibility of possessing a concealed weapon.
- (k) Complete required training described in Penal Code § 26165.
- (l) Agree to, upon issuance of the license, accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property, which may result through an act or omission of either the licensee or the City of Hermosa Beach in connection with the issuance, possession, and exercise of rights under the license. In the event any claim, suit or action is brought against the City or any employee of the City in connection with the issuance of the license, by reason of or in connection with any such act or omission, the licensee must defend, indemnify, and hold harmless the City and any of its employees from such claim, suit, or action.

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.

No person determined 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 Department of

Hermosa Beach Police Department

HBPD Policy Manual

License to Carry a Firearm

Justice (DOJ) determines that the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26195).

207.4.1 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 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).
- (b) Applicant fees shall be submitted and processed according to department-established procedures and Penal Code § 26190.
 - 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
 - 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 second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use.
- (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.
- (e) Additional documents may be requested of the applicant as required to complete the application process.
- (f) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Hermosa Beach Police Department

HBPD Policy Manual

License to Carry a Firearm

Once the Chief of Police or the authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

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).

207.4.2 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 any potential restrictions or conditions that might be placed on the license.
- (b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190). Upon application for a renewal license, additional psychological testing and/or examination will only be required if there is compelling evidence to indicate that it is necessary. The cost to the applicant for such additional testing and/or examination will not exceed \$150.
- (c) The applicant shall complete a course of training approved by the department, which complies with Penal Code § 26165, as may be amended from time to time.
- (d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other department authorized gunsmith, 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, or that is illegal based on current laws (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, 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.

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.

207.5 ISSUED FIREARMS PERMITS

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

Hermosa Beach Police Department

HBPD Policy Manual

License to Carry a Firearm

- (a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police 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 shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
 - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (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).
 - 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.
- (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. Within 10 days of receiving such notice, the Department shall notify the California DOJ (Penal Code § 26210).

207.5.1 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 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 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.

Hermosa Beach Police Department

HBPD Policy Manual

License to Carry a Firearm

207.5.2 REVOCATION OF LICENSES

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

- (a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- (b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.
- (c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.
- (d) Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.
- (e) 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 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).

207.5.3 LICENSE RENEWAL

No later than 90 days nor earlier than 180 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Chief of Police 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.
- (c) Ensure that the applicant has demonstrated to the Chief of Police's satisfaction, through proof obtained by a licensed third party inspector or through other designated means, that the firearm to be used has been inspected for safety purposes. 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) Ensure that the licensee has not engaged in any conduct which involves a lack of good moral character since the issuance of the original license. The Chief of Police or designee may consider all relevant factors as part of this process, including but not limited to any complaints the Department may have received regarding the applicant, any arrests or citations issued to the applicant, or a review of the applicant's online presence.
- (e) 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.

Hermosa Beach Police Department

HBPD Policy Manual

License to Carry a Firearm

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).

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.

207.6 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.

207.7 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 a public record (Government Code § 7923.805).

207.8 WRITTEN NOTICE FOR DENIAL OF LICENSE

The Chief of Police or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 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).

Written notice to an applicant for a renewal license that is approved or denied shall be given within 120 days of receiving the completed application (Penal Code § 26205).

Additionally, regardless of the type of license, if the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

Hermosa Beach Police Department

HBPD Policy Manual

License to Carry a Firearm

207.8.1 ADDITIONAL REQUIREMENTS

If an application for a new license, renewal of a license, or revocation is denied based on a determination that the person is a disqualified person as provided by Penal Code § 26202, the Chief of Police or the authorized designee shall provide the person with the notice of determination as provided by Penal Code § 26202(d), Penal Code § 26205, or Penal Code § 26195(b)(3). The notice shall state the reason why the determination was made and inform the applicant that they may request a hearing from a court. The Department shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the Chief of Police or the authorized designee shall provide the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).

207.9 POLICY AVAILABILITY

This policy shall be made accessible to the public as provided by Penal Code § 26160.

207.10 ISSUING AUTHORITY

	Effective Date	Updated Date
		
W. Paul LeBaron, Chief of Police	February 2, 2023	September 11, 2024