



## **INFORMATION BULLETIN:**

### ***HOW TO APPLY FOR A CCW IN LOS ANGELES COUNTY***

**Understanding the Application Process and What to Expect**

**JUNE 29, 2020**

Obtaining a concealed weapons license (“CCW”) has been notoriously difficult—and often impossible—for Los Angeles County residents due to the restrictive “may issue” policies of the Los Angeles County Sheriff’s Department (“LASD”). But that could soon change, as Sheriff Alex Villanueva [recently stated](#) he intends to increase the amount of CCWs his Department issues by as much as 400%.

A [2017 report](#) from the California State Auditor determined that there were only 197 active CCW licenses for the county. And of those, only 5% (less than 10) were issued to individuals “outside the law enforcement community.” So even if Sheriff Villanueva were to issue new licenses exclusively to civilians, a 400% increase would be a drop in the bucket for a county like Los Angeles with a population over 10 million residents.

Nevertheless, it’s a start. To that end, CRPAF has prepared the following information to assist our members and individuals seeking to apply for a CCW in the County of Los Angeles. We encourage gun owners and law-abiding citizens who reside in the County of Los Angeles to apply. In doing so, following these steps will help better prepare you for the application process and assist LASD staff in handling the potential sudden influx of applications by answering common questions prior to submission.

#### **I. CCW APPLICATION PROCESS – IN GENERAL**

Pursuant to state law, persons applying for a CCW must meet the following criteria:

- Be of “good moral character”;
- Demonstrate “good cause” for the issuance of the CCW;

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- Be a resident of the county or a city within the county (or have a principal place of employment or business in the county or city within the county)<sup>1</sup>; and,
- Complete a course of training as required by state law.<sup>2</sup>

Specific details for each of the above requirements are typically found in the written policy for the issuing authority, which California law requires to be published and made available to members of the public.<sup>3</sup> LASD has published [their policy](#), along with the [CCW application](#) form and related information, on its website at [https://lasd.org/ccw\\_info.html](https://lasd.org/ccw_info.html).<sup>4</sup>

## II. LASD Policy Details

### a. “Good Moral Character”

LASD’s policy concerning the “good moral character” requirement does not require the applicant to provide any specific information when submitting a CCW application. Instead, DOJ will provide LASD with a criminal history report “attesting to the applicant’s good character” in connection with a submitted CCW application. LASD will then determine a person’s “moral character” based on this report.

Should the report contain any evidence of prior criminal history, LASD may disapprove of the person’s CCW application.<sup>5</sup> Should you wish to review your criminal history prior to submitting a CCW application, you can request a certified copy of your criminal records from the California Department of Justice (“DOJ”). For more information on submitting such a request, visit <https://oag.ca.gov/fingerprints/record-review/cert-copies>.

### b. “Good Cause”

The current LASD policy states that “good cause” for the purposes of a CCW application shall only exist if the following is demonstrated:

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<sup>1</sup> For purposes of the residency requirement, nothing precludes the sheriff from entering into an agreement with the chief or other head of a municipal police department of a city to process all CCW applications in lieu of the sheriff. Pen. Code 26150(c). But this only applies to applicants who reside within the city which has agreed to process application.

<sup>2</sup> Pen. Code 26150(a).

<sup>3</sup> Pen. Code 26160.

<sup>4</sup> It should be noted that some of the Penal Codes referenced in the current LASD policy have since been renumbered. From a practical perspective, however, this should have little substantive effect.

<sup>5</sup> Exactly what type of criminal history will result in a disapproval is not expressly stated in LASD’s policy. But it stands to reason that convictions for crimes of moral turpitude, felony convictions, and some (perhaps all) misdemeanor convictions will result in a disapproval. What’s more, repeated convictions for low level offenses, as well as repeated arrests that did not result in any conviction, may also result in a disapproval.

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*Convincing evidence of a clear and present danger to life or of great bodily harm to the applicant, his spouse or dependent child, which cannot be adequately dealt with by existing law enforcement resources and which danger cannot be reasonably avoided by alternative measures, and which danger would be significantly mitigated by the applicant's carrying of a concealed firearm.*

A strict interpretation of this requirement makes it practically impossible for typical law-abiding citizens to satisfy. LASD's policy also states that no CCW should be granted merely for personal convenience of the applicant, nor does any job or position in itself constitute "good cause" for the issuance or denial of a CCW.

That said, Sheriff Villanueva's recent statements may indicate he intends to relax this requirement to some extent. But to what degree remains to be seen. Until LASD clarifies this requirement further, we encourage members and law-abiding gun owners to apply even if they are not sure if they can satisfy the standard under the current policy.

### c. Residency

As a threshold matter, LASD's policy requires residents of an incorporated city with its own police department to first apply for a CCW through their local police department. Only after a denial of a CCW application by the local police department may the person then file a separate application with LASD.<sup>6</sup> Individuals should note that many incorporated cities in the County of Los Angeles are managed by the Los Angeles Police Department ("LAPD").<sup>7</sup> This means residents of such cities, as well as any other city with its own department, will first need to apply for a CCW with their respective police department.<sup>8</sup>

Assuming your local police department denies your application, or you live in an area without its own police department, you may then proceed with a CCW application with LASD. Pursuant to LASD's policy, you will be required to show proof of residence by providing "some type of approved, recognized identification card" and "at least one cancelled item bearing United States postage" to satisfy the residency requirement. Exactly what type of IDs and documentation are accepted is not clear from LASD's policy.

Absent further clarification from LASD, CRPAF suggests treating this requirement like that of purchasing a handgun in California which requires demonstrating secondary proof of residence. This generally entails providing either a California Driver's License or ID issued by the Department of Motor Vehicles ("DMV") and at least one of the following which bears the person's name and address as reflected on their Driver's License or ID:

- A utility bill issued within the past 3 months;
- A residential lease;

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<sup>6</sup> This application must be filed with LASD within 60 days of the denial.

<sup>7</sup> For more information on cities managed by LAPD, including a map of LAPD bureaus and areas, visit [http://www.lapdonline.org/our\\_communities](http://www.lapdonline.org/our_communities).

<sup>8</sup> Some police departments located in the County of Los Angeles nevertheless direct CCW applicants to apply directly to LASD. Only in such cases should an application be submitted to LASD directly.

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- A property deed;
- A current, government-issued (city, county, special district, state, or federal) license, permit, or registration other than a California Driver's License or ID with a specified expiration date; or,
- A valid peace officer credential.

In the event LASD disapproves of any documentation provided, LASD will likely inform the applicant as appropriate.

#### **d. Course of Training**

LASD policy requires applicants to complete a state-approved firearms training course or provide alternate proof of firearms proficiency. New CCW applicants must complete a course which is no less than eight hours and shall include instruction on firearm safety, firearm handling, shooting technique, and the laws regarding the permissible use of a firearm. The course must also include live-fire shooting exercises on a firing range and shall include a demonstration by the applicant of safe handling of, and shooting proficiency with, each firearm that the applicant intends to carry in connection with their license.<sup>9</sup> A supplemental document titled "[Shooting Proficiency Standards With Regards to Required Live-Fire Shooting Exercises](#)" has also been posted on LASD's webpage that specifies the shooting qualification requirements of this course.

#### **e. Additional LASD Policy Considerations**

Other than the above, LASD's policy also dictates that in the event a CCW is issued, the person shall not engage in any of the following:

- Consuming alcoholic beverages;
- Representing to any person that they are peace officers, unless they are in fact peace officers as defined by law;
- Unjustifiably display a deadly weapon;
- Violate any state or local law;
- Be under the influence of any medication or narcotic drug;
- Impede law enforcement officers in the conduct or performance of their duty or activities;
- Refuse to display a CCW or surrender their firearm to any peace officer for inspection upon demand.

CCW holders should understand that any violations of the above can result in the suspension and/or revocation of their CCW license. What's more, LASD may place additional restrictions that can limit the time, place, and

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<sup>9</sup> LASD's policy regarding the course of training requirement effectively mirrors that of the requirements specified under state law. See Pen. Code 26165(a).

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circumstances under which the license is valid.<sup>10</sup> LASD provides a list of some examples of such restrictions, which include:

- A requirement that the CCW holder wear eyeglasses;
- Limited geographical areas where the CCW may be valid;
- Limited times of day during which the CCW may be valid;
- Limited periods for which the CCW may be valid unless renewed (i.e. less than 2 years)<sup>11</sup>;
- Other conditions which are identified by applicant's good cause statement.

### **III. SUBMITTING A CCW APPLICATION TO LASD – STEP BY STEP GUIDE**

#### **STEP 1**

##### **Complete the Application Form**

The first step in submitting a CCW application to LASD is to complete the standardized CCW application form. This form, titled "[Standard Initial and Renewal Application for License to Carry a Concealed Weapon](#)," is a standardized form that is generally used throughout the state of California by all CCW issuing authorities.<sup>12</sup> The form itself is divided into 8 main sections, a public disclosure admonition, and includes additional information regarding the applicable laws of the State of California. Each section of the application is generally self-explanatory, but there are a few key areas that can cause confusion among some individuals.

As a threshold matter, applicants should refrain from completing the portions of the application that require a witness signature or involvement of the issuing agency itself.<sup>13</sup> This includes the "Public Disclosure Admonition" section at the beginning of the application, Section 6 ("Agreement to Restrictions and to Hold Harmless"), Section 7 ("Investigator's Interview Notes"), and Section 8 ("Release of Information and Declaration").

In Section 2, question #9 asks applicants if they have ever been convicted of any criminal offense (civilian or military) in the U.S. or any other county. Applicants with prior criminal convictions that have been expunged or otherwise dismissed should still answer "yes" to this question because the act of expungement and/or dismissal does not shield conviction records from official law enforcement background checks or

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<sup>10</sup> As noted in LASD's policy and generally required under California law, any further restrictions will be noted on the back side of the CCW card issued to the individual. See Pen. Code 26200.

<sup>11</sup> In general, a CCW is valid for two years from the date of issuance. Pen. Code 26220(a).

<sup>12</sup> In fact, California law requires the application process to be "uniform throughout the state, upon forms to be prescribed by the Attorney General." Pen. Code 26175(a)(1).

<sup>13</sup> Although some issuing authorities ask applicants to complete these sections prior to submitting the application, LASD's policy does not specify one way or another. For this reason, the generalized instructions on the application should be followed.

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government license applications.<sup>14</sup> What's more, a dismissal of a criminal conviction in California does not permit a person to own, possess, or have in his or her custody or control any firearm should the conviction carry with it a firearm prohibition otherwise.<sup>15</sup> Failure to disclose such convictions will likely result in a disapproval of the CCW application.

Section 3 requires applicants to list the firearms desired to be carried in connection with the CCW. While not a requirement under California law, issuing authorities generally require the firearm to be concealable (meaning handguns), of an appropriate caliber, and be reflected in DOJ's Automated Firearms System ("AFS") database as being owned by the applicant. If the handgun was purchased at or transferred through a California licensed firearms dealer, then an AFS record should exist for that handgun. If you are uncertain whether an AFS record exists for the handgun, you can request a copy of your AFS records from DOJ.<sup>16</sup> Be warned, however, that reports from gun owners suggest obtaining such records from DOJ can take several months.

## STEP 2

### Complete the Required Course of Training

While not specified in LASD's policy, it appears that at some point the CCW applicant will be required to make an appointment with the Undersheriff or Assistant Sheriff to discuss their application. LASD's policy requires that at the time of this appointment, the applicant must show proof of completion of a state-approved firearms training course, and that this proof "shall be attached to the application. For this reason, individuals applying for a CCW should complete the required training prior to submitting their application.

It should be noted, however, that California law prohibits issuing authorities like LASD from requiring CCW applicants to pay for any training courses prior to the determination of the applicant's "good cause."<sup>17</sup> As a result, LASD's requirement that applicants submit proof of completion of the required training is in direct conflict with California law. Until this issue can be corrected, however, applicants should still be prepared to submit the required proof to proceed with their application.

At this time, LASD does not appear to publish a list of training courses that satisfy the course of training requirement. For this reason, prospective CCW applicants should consult the training provider to ensure the LASD's requirements are satisfied and request additional information from LASD as appropriate.

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<sup>14</sup> See, generally, <https://www.courts.ca.gov/1070.htm> (noting that a dismissal still requires applicants for government employments or licenses to still answer "yes" to such questions).

<sup>15</sup> Pen. Code 1203.4(a)(2).

<sup>16</sup> To do so, individuals will need to complete and submit form "BOF 053 (Rev. 05/2019): Automated Firearms System (AFS) Request for Firearm Records," which can be obtained online at <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/AFSPublicCitizen.pdf>.

<sup>17</sup> Pen. Code 26165(e).

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## STEP 3

### **Submit the Completed Application with Proof of Training to LASD**

LASD's policy dictates that Reserve Deputy personnel submit their CCW application to LASD's Reserve Forces Bureau for process. For all other applicants, completed CCW applications must be submitted to any station, Assistant Sheriff, or Undersheriff. If submitting the application to a station, the station will then forward the application to the Undersheriff or Assistant Sheriff. A complete list of stations with additional information for each can be found online at <https://lasd.org/stations/>.

LASD will then notify the applicant to contact the Undersheriff or Assistant Sheriff for an appointment to obtain a CCW license. While not stated expressly in LASD's policy, it is presumed that during this appointment the Undersheriff or Assistant Sheriff will complete the portions of the CCW application that were not completed prior to submission—including Section 7 and the “good cause” statement. Applicants should therefore be prepared to discuss the reasons for seeking a CCW and bring any photographs, paperwork, or other items that may help substantiate their “good cause” statement.

What's more, applicants should be prepared to discuss any arrests, regardless of their disposition, for any criminal offenses within the U.S. or any other country. Although it is unlikely moving violations such as speeding will impact a person's ability to obtain a CCW, they should still be disclosed during the appointment. You can also request a copy of your Driver's Record from the California Department of Motor Vehicles (“DMV”) prior to the appointment by visiting <https://www.dmv.ca.gov/portal/customer-service/request-vehicle-or-driver-records/online-driver-record-request/>.

At some point during the appointment, CCW applicants will also be required to deposit a non-refundable fee of \$10 to LASD and undergo Livescan fingerprinting and photographing. According to DOJ, LASD currently charges a \$25 “rolling fee” fee payable by cash or check only to process a CCW applicant's Livescan.<sup>18</sup> This fee is in addition to the required \$71 fee typically required for Livescan background checks payable to DOJ.

Upon making a determination regarding the applicant's “good cause,” California law requires LASD to give written notice informing the applicant that the request for a license has been denied and state the reasons for the denial from LASD's published policy.<sup>19</sup> In any event, California law requires LASD to notify the applicant within 90 days of submission or 30 days after receipt of the applicant's criminal background check in connection with the required Livescan, whichever is later.<sup>20</sup>

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<sup>18</sup> See <https://oag.ca.gov/fingerprints/locations/los-angeles-co-sheriffs-dept>.

<sup>19</sup> Pen. Code 26202.

<sup>20</sup> Pen. Code 26205.

## STEP 4

### Schedule Appointment to Obtain CCW

If an applicant satisfies all criteria for the issuance of a CCW, LASD will notify the applicant to contact the Undersheriff or Assistant Sheriff to obtain their CCW. While not expressly addressed in LASD's policy, it is at this time when the applicant can be expected to pay any remaining local processing fee for the issuance of the CCW. But it is unclear exactly what that fee is. California law requires the fee to be "equal to the reasonable costs for processing the application for a new license, issuing the license, and enforcing the license, including any required notices, excluding fingerprint and training costs."<sup>21</sup>

#### **IV. POTENTIAL PSYCHOLOGICAL TESTING REQUIREMENT**

California law allows licensing authorities to require psychological testing for CCW applicants, provided such testing be conducted by a licensed psychologist used by the licensing authority for the testing of its own employees.<sup>22</sup> If such testing is required, CCW applicants may be required to pay an additional fee to cover the costs of such testing, but under no circumstances can that fee exceed \$150.<sup>23</sup> LASD's policy makes no mention of the potential for psychological testing. That said, CCW applicants should be aware of this potential requirement.

#### **V. CONCLUSION**

The above information has been prepared using the published CCW policy of LASD and current California laws as of June 29, 2020, and for that reason the information contained herein may be out of date or otherwise inaccurate should LASD update its policy in the future. As a result, be sure to review the current policy posted on LASD's website prior to submitting your CCW application should any changes or updates occur. It is important to understand, however, that it is unlikely LASD's "good cause" requirement will be relaxed to any significant degree. And for that reason, it is more likely than not that any CCW application will still be denied. Members should note that a CCW denial for lack of "good cause" should have no effect other than requiring individuals to disclose the denial on future CCW applications.

To learn more about litigation around "shall issue" including the CRPAF supported lawsuit of [Flanagan v. Becerra](#) which challenges California's open and concealed carry restrictions, [click here](#).

Should you have any questions regarding the CCW application process in Los Angeles County and the above information, contact us by sending an email to [contact@CRPA.org](mailto:contact@CRPA.org) or by calling 1 (800) 305-2772.

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<sup>21</sup> Pen. Code 26190(b)(1).

<sup>22</sup> Pen. Code 26190(f).

<sup>23</sup> *Id.*

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