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VIA E-MAIL AND U.S. MAIL

Long Beach Police Department
CCW Licensing Unit
400 West Broadway
Long Beach, CA 90802
LBPD-CCW@longbeach.gov

Re: \$400 Psychological Exam Fee and Related CCW Application Fees

To the Long Beach Police Department CCW Licensing Unit:

We write on behalf of the California Rifle and Pistol Association, Incorporated, its members, and gun owners who are being required to submit their applications for a license to carry a concealed weapon as required by California law and your Department's agreement with the Los Angeles County Sheriff's Department. It has come to our attention that your Department is charging an unconscionable \$400 non-refundable fee to undergo a psychological examination.

In emails to applicants, your Department cites California Penal Code section 26190(f)(1) as the authority for this requirement, stating such exams are "required for all new Standard CCW applicants." As a threshold matter, this cited subdivision of Section 26190(f)(1) **no longer exists**. What's more, the appropriate subdivision applicable to this issue, subdivision (e)(1-2), makes clear that such exams are **not**, in fact, required of all applicants.

The imposition of a mandatory \$400 psychological exam fee, combined with other applicable fees, including the cost of training, results in a total cost to applicants that can exceed \$1,200 to submit and obtain a CCW through the Long Beach Police Department. This exorbitant financial burden places an unconstitutional obstacle on exercising a fundamental right protected by the Second Amendment of the United States Constitution.

In *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), the Supreme Court made clear that the right to keep and bear arms for self-defense is not a second-class right subject to excessive regulatory burdens. The Court invalidated discretionary licensing schemes that impose subjective or overly burdensome requirements, emphasizing that restrictions on the right to carry must be consistent with the Nation's historical tradition of firearm regulation. A

mandatory, non-refunded \$400 psychological exam fee—particularly when not required by state law—creates a significant financial barrier that disproportionately impacts law-abiding citizens seeking to exercise their constitutional right to carry a firearm for self-defense. Such a fee is inconsistent with the principles articulated in *Bruen* and risks violating the Second Amendment rights of Long Beach residents.

Furthermore, other California jurisdictions have recognized the need to reduce financial barriers to CCW issuance in light of *Bruen* and the evolving legal landscape. Many California jurisdictions do not require applicants to undergo a psychological evaluation except in rare circumstances and only on an as-needed basis.

Additionally, the City of La Verne, located in Los Angeles County, serves as a pertinent example of a jurisdiction that has reformed its CCW application process in response to legal challenges. Following a lawsuit by CRPA, La Verne agreed to significantly reduce its CCW application fees, which previously exceeded \$1,000, and paid CRPA's attorney's fees as part of a settlement. This action demonstrates a clear precedent within California for municipalities to align their fee structures with constitutional standards post-*Bruen* and to eliminate excessive financial barriers, such as those posed by mandatory psychological evaluations, ensuring that law-abiding citizens can exercise their Second Amendment rights without undue burden.

We respectfully request that the Long Beach Police Department immediately revise its CCW application process to eliminate the mandatory \$400 psychological exam fee and align its practices with California Penal Code section 26190(e). Psychological evaluations should only be required in the limited circumstances permitted by law, and any associated costs must be reasonable and justified. Additionally, we urge the Department to review its overall fee structure to ensure that the total cost of obtaining a CCW does not unduly burden applicants, in keeping with the Supreme Court's guidance in *Bruen* and the practices of other California jurisdictions.

We are committed to working with your Department to ensure that Long Beach residents can exercise their Second Amendment rights without facing unconstitutional financial burdens. As your Department is requiring CCW applicants to pay the psychological fee within 14 days from the date of the notification email sent to applicants, please provide a written response as soon as practicable outlining the steps your Department intends to take to bring its policies into conformance with *Bruen*. Should we be unable to resolve this issue informally, CRPA is prepared to again exercise legal remedies to protect the rights of our members and the broader community of law-abiding gun owners.

Thank you for your attention to this matter. We look forward to your prompt response.

Sincerely,
Michel & Associates, P.C.



Matthew D. Cubeiro