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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 Deanna Sykes, et al.,
11 Plaintiffs,
12 v.
13 John M. Ginness, et al.,
14 Defendants.
15

) Case No. 2:09-CV-01235-MCE-KJM
)
)

) **EXHIBIT A**
) **IN SUPPORT OF MOTION FOR**
) **SUMMARY JUDGMENT**
)
)
)

16 EXHIBIT A IN SUPPORT OF
17 PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

18 COME NOW the Plaintiffs, Deanna Sykes, Andrew Witham, Adam Richards, Second
19 Amendment Foundation, Inc. And The Calguns Foundation, Inc., by an through undersigned
20 counsel, and submit their Exhibit A in Support of their Motion for Summary Judgment.
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22 Respectfully Submitted, August 5, 2009

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26 /s/ Donald Kilmer/
27 Donald Kilmer, Attorney for Plaintiffs

/s/ Alan Gura/
Alan Gura, Attorney for Plaintiffs



**Sacramento County Sheriff's Department
Concealed Weapons Permit Issuance Policy
and Application Process**

Issuance Criteria For Permit Applicants:

- Minimum of one year residency in Sacramento County (time may be waived upon receipt of a letter from the Sheriff or Chief of Police from the applicant's previous residency indicating the applicant is a citizen in good standing). (Policy)
- Citizen of the United States. (Policy)
- Applicant must be 21 years of age or older. (Law)
- No statutory prohibitions (based on applicant's background, i.e., criminal history, drug addiction, no mental illness, etc.). (Law)
- Employees applying for job related reasons, and/or to carry a weapon during course of business hours, must provide a letter of endorsement from their supervisor and/or manager endorsing the issuance of a permit. Applications will not be accepted without the required documents. (Policy)
- Successful completion of a 64 hour hand gun training class (PC 832) or 16 hour Sacramento Sheriff's Department approved training course (certificates required) which includes passing a written and firearms proficiency test. (Law as of 01/01/99)

***Note:** Application for a Concealed Weapons Permit may be submitted prior to receiving training. A list of qualified instructors is on page 6.*

- Good cause exists for issuance of a concealed weapons permit as follows:

General: The determination of good cause for the issuance of a concealed weapons permit is perhaps the most difficult aspect in this process. While every applicant may believe that he/she has good cause for a license, the Sheriff's determination is based on consideration of public good and safety. (Law)

Prima Facie Good Cause: The following are prima facie evidence of good cause for issuance of a concealed weapons permit:

- ✓ Applicant is a specifically targeted victim, as documented in official criminal justice records within an accompanying recommendation of an investigating peace officer (endorsed by the Department Head or Commander) that a concealed weapons permit be granted for reasons of personal safety. (Policy)
- ✓ Applicant is an active or honorably separated member of the criminal justice system directly responsible for the investigation, arrest, incarceration, prosecution or imposition of sentence on criminal offenders and has received threats of harm to person or family as a result of official duties.
- ✓ Applicant is a member of the immediate family of an active or honorably separated member of the criminal justice system as described above, and as a result of this familial relationship, has been the victim of criminal acts or threats as documented in official criminal justice records.

Non-Prima Facie Good Cause: Good cause that is not prima facie as described above may vary based upon one or more of the following factors: ¹ (Policy)

- ✓ The degree or frequency of exposure to harm.
- ✓ The nature of the applicant's work and the resulting exposure to harm. (examples include, but are not limited to, a private investigator who serves legal documents, a judge who sentences criminal defendants, probation officers, bail bondsmen). Employees must provide letter of endorsement from employer, if weapon is to be carried during course of business hours.
- ✓ Objective evidence of a history of victimization upon the applicant or member of his/her household, or his /her residence, work place, or vehicle when occupied. (Examples of objective evidence includes a police report or witness corroboration via statements.)
- ✓ Objective evidence of a pattern or history of threats upon the applicant, or member of his/her household. (Examples of objective evidence includes witness corroboration via statements).

¹ Sacramento County consists of urban, suburban, rural and wilderness area. What may be good cause in one area of the county may not be in another area.

In making a determination as to good cause, the Sheriff will consider all available information and, where there exists a sufficient nexus between the approval of a concealed weapons permit and the avoidance of victimization, make that decision most beneficial to public good and safety. The mere fear of victimization, or desire to carry a firearm, shall be insufficient. (Policy)

Conditions After Issuance of Approved Permits:

- Annual qualification with the weapon(s) type(s) listed on the permit and safety inspection of each weapon specifically listed on the permit.
- Permit holders must complete a legal update refresher course every other year upon renewal from a Sheriff's Department approved training facility/instructor.
- Permit holders must report to the Sacramento Sheriff's Department within 10 days of any arrest of the permit holder.
- No illegal drug use.

Violations of these conditions will result in the revocation of the concealed weapons permit.

Restrictions Applicable to All Sacramento Sheriff's Department Permit Holders (Permit invalid if violated)

- No alcohol consumption while exercising the permit and carrying the weapon.
- No weapons where prohibited by law.
- No weapons at locations where a no weapons sign is posted.
- Not within 1,000 feet of any school grounds.
- Depending on "cause" the Sheriff may impose additional restrictions.

Failure of the permit holder to adhere to these restrictions will result in the revocation of the concealed weapons permit.

New Application Fees:

\$20.00 filing fee (check or money order only) made payable to the County of Sacramento. Non refundable.

Fees-After Approval of New Application:

\$80.00 fee for all new applicants upon issuance. Check or money order only, made payable to County of Sacramento.

Additional fees are also required by the State of California Department of Justice for fingerprinting, criminal history clearance, and firearms eligibility. \$112.00 payable to State of California. (Subject to change).

Fees for Renewals of Existing Permits:

\$52.00 State of California renewal fee (check or money order only) made payable to the State of California. (Subject to change).

\$25.00 renewal fee (check or money order only) made payable to the County of Sacramento.

All renewal and newly approved applicants are processed on Tuesdays only at:

**Sacramento County Sheriff's Department
711 G Street
Sacramento, CA 95814**

9:00 AM – 11:00 AM ONLY

Denial of Application/Appeals Process:

All applicants will receive notice in writing regarding the approval or denial of their application. Applicants who are denied a concealed weapons permit will be advised of the reason for the denial.

Applicants may appeal if their application for a permit is denied. All appeals must be submitted in writing to:

Sacramento County Sheriff's Department
Attention: Gun Permits
711 G Street
Sacramento, CA 95814

Written appeals should be specific, clearly outlining the applicants rebuttal to the reason stated for denial. Additional information, which may be pertinent to the applicants request for a permit should also be included.

***Note:** Appeals must be received by the Sheriff's Department no later than (30) thirty days from the date of the notification letter.*

Additional Information:

For additional information or questions regarding the Sacramento Sheriff's Departments concealed weapons permit process or policy, please contact the Special Investigations/Intelligence Bureau at (916) 874-5371.

Range and Legal Class Instructors

1. Advanced Security Institute (916) 375-8500
2947 W. Capitol Ave.
West Sacramento, CA 95691
2. California Security Training Academy (916) 399-2010
6130 Freeport Blvd., Ste. 200
Sacramento, CA 95822
3. Universal Security Academy (916) 393-7878
2382 Fruitridge Rd. (800) 367-5335
Sacramento, CA 95822
4. Cordova Shooting Center (916) 351-0538
11551 Douglas Rd.
Rancho Cordova, CA 95670
5. James Mangan Range (916) 427-9811
2140 34th Ave.
Sacramento, CA 95817
6. The Gun Room (916) 714-4867
9221 Survey Rd.
Elk Grove, CA 95624