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

10 Deanna Sykes, et al., ) Case No. 2:09-CV-01235-MCE-KJM  
11 Plaintiffs, )  
12 v. ) **EXHIBIT B**  
13 John M. Ginness, et al., ) **IN SUPPORT OF MOTION FOR**  
14 Defendants. ) **SUMMARY JUDGMENT**  
15 )

16 EXHIBIT B 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 B in Support of their Motion for Summary Judgment.  
21

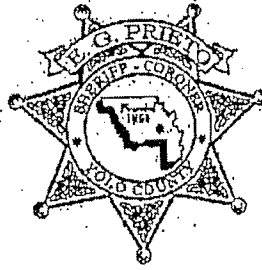
22 Respectfully Submitted, August 5, 2009

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## CHAPTER 11 CONCEALED WEAPON LICENSE POLICY

### 11-1 PURPOSE AND SCOPE

The Sheriff is given the statutory discretion to issue a license to carry a concealed firearm to residents within Yolo County. This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code 12050.2, this policy shall be made accessible to the public.

### 11-2 QUALIFIED APPLICANTS

In order to apply for a license to carry a concealed weapon, the applicant must:

- a. Be a resident of Yolo County.
- b. Be at least 21 years of age.
- c. Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- d. Be free from criminal convictions that would disqualify the applicant from carrying a concealed weapon. Fingerprints will be required and a complete criminal background check will be conducted.
- e. Be of good moral character.
- f. Show good cause for the issuance of the license.
- g. Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- h. Provide proof of ownership and registration of any weapon to be licensed for concealment.
- i. Provide at least three letters of character reference.
- j. Be free from any medical and psychological conditions that might make the applicant unsuitable for carrying a concealed weapon.
- k. Complete required training.

### 11-3 CRITERIA

Examples of valid reasons to request a permit include, but are not limited to:

- Victims of violent crime and/or documented threats of violence.
- Business owners who carry large sums of cash or valuable items.
- Business owners who work all hours in remote areas and are likely to encounter dangerous people and situations.

Examples on invalid reasons to request a permit include, but are not limited to:

- Recreation in remote areas.
- Hunting or fishing
- Self protection and protection of family (without credible threats of violence).
- Employment in the security field, i.e. security guard, body guard, VIP protection.
- Personal safety due to job conditions or duties placed on the applicant by their employer.

#### 11-4 APPLICATION PROCESS

The application process for a license to carry a concealed weapon shall consist of several steps. Upon completion of each step, the applicant will advance to the next step until the process is completed or the application is denied.

- a. Applicants shall demonstrate his/her knowledge of firearms safety and proficiency in the handling of the firearm intended to be licensed. This is accomplished by providing a certificate showing they have successfully completed a concealed weapons firearms course recognized and approved by the Yolo County Sheriff's Department.
- b. After completing the firearms course, the individual applying for a license shall fully complete a Concealed Weapons License Application to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application. Penal Code 12051 (b) & (c). False statements will be cause for denial of the application.
- c. At the time the completed application is submitted, the applicant shall provide the course certificate of proficiency and pay the non-refundable department fee to cover administrative and investigative costs. The applicants shall also submit at least three signed letters of character reference from individuals other than relatives.
- d. The application will be processed and reviewed for completeness and validity. If the application meets the criteria to proceed, an interview with the Sheriff or his designee will be scheduled. If the application does not meet the criteria, the applicant will be notified in writing that it is denied.
- e. If the Sheriff or his designee feels there is sufficient reason to grant the license, the applicant will be scheduled for a Livescan fingerprint and photo appointment. At the time of the fingerprinting and photographing appointment, the applicant shall pay the remainder of the non-refundable application fee. 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) or Penal Code 12050(a)(1)(C).

- f. The fingerprints are then sent electronically to the Department of Justice and the Federal Bureau of Investigation for criminal background checks. Persons determined to fall within a prohibited class described in Penal Code 12021 or 12021.1 or Welfare and Institutions Code 8100 or 8103 will not be issued a license to carry a concealed weapon.
- g. Upon return of the criminal history checks, the Sheriff or his designee shall approve or deny the application. If approved, an appointment will be made to verify the weapons and issue the license.
- h. At the time of issuance, the applicant shall submit proof of ownership and registration of each weapon to be licensed for concealment. Upon request, the applicant shall provide the weapon to a Department Firearms Instructor or Armorer for a full safety inspection.

In the event that an application is denied at the conclusion of or during the application process, the applicant shall be notified in writing within ninety (90) days of the initial application or within thirty (30) days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. Penal Code 12052.5.

#### **11-5 ISSUED CONCEALED WEAPONS PERMITS**

In the event a license to carry a concealed weapon is issued by the Sheriff, the following shall apply:

- a. The license will not be valid outside the state of California;
- b. The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the concealed firearm.
  - 1. All such restrictions or conditions shall be conspicuously noted on any license issued. (Penal Code 12050(c))
  - 2. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- c. The expiration date, type of weapon, restrictions and other pertinent information shall be clearly printed and visible on the license. Each license shall be numbered and clearly identify the licensee.

- d. All licenses shall be subject to inspection at any time by the Sheriff or any law enforcement officer and shall be surrendered to any peace officer upon demand.
- e. The license will be valid for a period not to exceed two years from the date of issuance.
  - 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 or custodial officer.
- f. The licensee shall notify this department in writing within ten (10) days of any change of residency. If the licensee moves out of the county of issuance, the license shall expire ninety (90) days after the licensee has moved.

#### **11-6 LICENSE RESTRICTIONS**

- a. The Sheriff may place special restrictions in writing limiting time, place and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from any of the following:
  - 1. Consuming any alcoholic beverage while armed.
  - 2. Falsely representing him or herself as a peace officer.
  - 3. Unjustified or unreasonable displaying of weapon.
  - 4. Committing any crime.
  - 5. Being under the influence of any medication or drug while armed.
  - 6. Interfering with any law enforcement officer's duties.
  - 7. Refusing to display his/her license or weapon for inspection upon demand of any peace officer.
- b. The alteration of any previously approved weapon including, but not limited to adjusting trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

#### **11-7 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 accomplish one or more of the following:

- 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.

In the event that any amendment to a valid license is approved by the Sheriff, a new license will be issued reflecting the amendment(s). 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.

#### **11-8 REVOCATION OF LICENSES**

Any license issued pursuant to this policy may be immediately revoked by the Sheriff or his designee for any of the following reasons:

- a. If the licensee has violated any of the restrictions or conditions placed upon the license.
- b. If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon.
- c. If the licensee is determined to be within a prohibited class described in Penal Code 12021 or 12021 (a) or Welfare and Institutions Code 8100 or 8103.
- d. If the licensee engages in any conduct which involves a lack of good moral character or might otherwise remove the good cause for the original issuance of the license.
- e. If the licensee establishes residency outside of Yolo County.

The issuance of a license by the Sheriff 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 Sheriff as set forth herein.

If the license is revoked, the Department will immediately notify the licensee and the Department of Justice pursuant to Penal Code 12053.

#### **11-9 LICENSE RENEWAL**

Prior to the expiration of any valid license to carry a concealed weapon, the licensee may apply to the Sheriff for a renewal by completing the following process:

- a. Complete a department authorized concealed weapons training course of no less than four hours including firearms safety and the laws regarding the permissible use of a firearm. Applicants must provide a certificate showing proficiency with the firearm listed on the application.
- b. Complete the department renewal application under penalty of perjury.
- c. Applicant will be interviewed to verify the on-going need for the license and to clarify any questions about the application.

- d. If the Sheriff or his designee feels there is sufficient reason to renew the license, an appointment will be made to verify the weapons and issue the license.
- e. If the applicant submitted manual ink fingerprints and has not since submitted Livescan automated fingerprints, the applicant will be scheduled for a Livescan fingerprint appointment. At the time of the fingerprinting, the applicant shall pay the non-refundable renewal application fee and Livescan processing fee. Upon return of the Livescan criminal history checks if applicable, the Sheriff or his designee shall approve or deny the application.
- f. At the time of issuance, the applicant shall submit proof of ownership and registration of each new weapon to be licensed for concealment. Upon request, the applicant shall provide the weapon to a Department Firearms Instructor or Armorer for a full safety inspection.

The applicant must apply no later than thirty (30) days prior to the expiration of his or her license. A grace period of 60 days after the expiration may be granted as long as valid reasons exist and the applicant notifies the department prior to the expiration. A grace period does not extend the license expiration date. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within ninety (90) days of the renewal application or within thirty (30) days after receipt of the applicant's criminal background check from DOJ, whichever is later (Penal Code 12052.5).

**11-10 DEPARTMENT REPORTING AND RECORDS**

Pursuant to Penal Code 12053, the Sheriff shall maintain a record of the following information and immediately provide copies of each to the Department of Justice:

- 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 Sheriff shall annually submit to the State Attorney General the total number of licenses to carry concealed weapons issued to reserve peace officers and judges.

**11-11 CONFIDENTIAL RECORDS**

The home addresses and telephone numbers of any peace officer, magistrate, commissioner or judge contained in any application or license shall not be considered public record (Government Code 6254 (u) (2)).



Any information in any application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code 6254 (u)(1)).