



Burbank Police Department

Michael Albanese, Chief of Police

**Policy
218**

Approved:

CALEA

Effective Date: January 25, 2013

CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

License to Carry a Firearm

218.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory discretion to issue a license to carry a concealed firearm to residents within the City of Burbank. This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code §26160, this policy shall be made accessible to the public.

218.1.1 POLICY

The Burbank Police Department will fairly and impartially consider all applicants to carry firearms in accordance with applicable laws and this policy. Nothing in this policy shall preclude the Chief of Police from entering into an agreement with the Los Angeles County Sheriff to process all applications and license renewals for carrying firearms (Penal Code §26150; Penal Code §26155(c)).

218.2 QUALIFIED APPLICANTS

To qualify to carry a firearm, the applicant must meet certain requirements, including:

- a) Be a resident of the City of Burbank (Penal Code §26155)
- b) Be at least 21 years of age (Penal Code §29610)
- c) Submit a completed California Department of Justice Standard Application to Carry a Firearm, which includes 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 firearm (fingerprints will be required, and a complete criminal background check will be conducted)
- e) Be of good moral character (Penal Code §26150 and §26155)
- f) The applicant is the recorded owner, with the California Department of Justice, of the firearm to be licensed (Penal Code §26150 and §26155)
- g) Be free from any psychological conditions that may disqualify the applicant (Penal Code §26190)
- h) Complete required training (Penal Code §26165)



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218.3 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.

218.3.1 PHASE ONE

All applicants must complete this phase. Any individual applying for a license to carry a firearm shall first complete a California Department of Justice Standard Application to Carry a Firearm (including sections 6,7, & 8) signed under penalty of perjury. Any applicant who provides false information on the application will be removed from further consideration and may be referred for prosecution (Penal Code §26180). No person determined to fall within a prohibited class described in Penal Code §29800, §29815, §29825, or Welfare and Institutions Code §8100 or 8103 may be issued a license to carry a firearm.

In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.

If an incomplete application package is received, the Chief of Police or the authorized designee will reject the application for a CCW license.

At the time the completed application is submitted, the applicant shall pay a \$20 fee to cover the cost of processing the application (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 (\$80)
3. Payment of related fees may be waived if the applicant is a duly appointed reserve officer as defined in Penal Code §830.6 (a) or (b) (Penal Code §26170)

The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California Department of Justice. 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. No person determined to fall within a prohibited class described in Penal Code §29800, 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 Justice determines the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code §26195).

The applicant shall submit proof of being the recorded owner, with the California Department of Justice, of each firearm to be licensed (Penal Code §26150 and §26155).



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

If the application is denied at the conclusion of, or during, Phase One, the applicant shall be notified in writing with specific reasons why the request was denied (Penal Code §26205). The written notification shall be sent within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later.

Within 60 days after a denial, the applicant may file a separate application with the Los Angeles County Sheriff's Department, attaching a copy of the letter of denial by the Chief of Police. The Sheriff will exercise independent discretion in granting or denying licenses to these applicants. Refer to Los Angeles County Sheriff's Department Manual of Policy and Procedures 5-09/380.05 for additional details.

If an application is advanced to Phase Two, the applicant shall be informed in writing and shall be instructed to complete the training requirements pursuant to Penal Code §26165(a), (b), & (c).

218.3.2 PHASE TWO

Successful completion of Phase One is a prerequisite for this phase. During this phase, the applicant shall be scheduled for a personal interview with the Chief of Police or the authorized designee for further discussion of any potential restrictions or conditions that might be placed on the license.

Additionally:

- (a) A second set of fingerprints may be required for retention in Department files
- (b) The applicant shall submit to a photograph taken by the Department for use on the license
- (c) The Chief of Police may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The applicant will pay the cost of such psychological testing (not to exceed \$150). 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 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).
- (d) The applicant shall submit proof of being the recorded owner, with the California Department of Justice, of each firearm to be licensed (Penal Code §26150 and §26155).
- (e) The applicant shall complete the required training outlined in Penal Code §26165. The Department has approved the use of the listed authorized training providers utilized by the Los Angeles County Sheriff's Department (LASD)(www.lasd.org/CCW)
- (f) The applicant shall submit any firearm, with a limit of three, to be considered for a license to a Department authorized gunsmith for a full firearm safety inspection. This inspection should be done during the required course of training by an LASD Authorized Training Provider. The Chief of Police reserves the right to deny a license for any firearm from an unrecognized manufacturer or any firearm that has been altered from the manufacturer's specifications.



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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.

Whether an application is approved or denied at the conclusion of, or during Phase Two, the applicant shall be notified in writing with specific reasons why the request was denied (Penal Code §26205). The written notification shall be sent within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California Department of Justice, whichever is later.

218.3.3 FEES

The California Department of Justice requires licensing authorities to use the "Live Scan" fingerprinting method. The California Department of Justice will require a fee to process the applicant's fingerprints as part of a criminal background investigation. The applicant may also be subject to a fee by the fingerprinting facility. These non-refundable fees are to be paid by the applicant.

The applicant will be required to pay by credit card any applicable fees to the City of Burbank (the Burbank Police Department may charge an application processing fee per Penal Code §26190(b)(1), not to exceed \$100). Payment of related fees may be waived by the Chief of Police (Penal Code §26170(b)).

Payment of 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(b)).

218.4 LIMITED BUSINESS LICENSE TO CARRY A FIREARM

The authority to issue a limited business license to carry a firearm to a non-resident applicant is granted only to the Sheriff of the County in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code §26150). Therefore, such applicants may be referred to the Sheriff for processing.

An individual who is not a resident of the County, but who otherwise completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Burbank (Penal Code §26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code §26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code §26220).
- (d) Any application for renewal or re-issuance of such a license may be granted only upon the concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code §26220).



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218.5 ISSUED FIREARMS PERMITS

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

- (a) The license will not be valid outside the State of California
- (b) The license will be subject to any reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which the person may carry the firearm.
- (c) All such restrictions or conditions shall be noted on any license issued (Penal Code §26200)
- (d) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information clearly visible
- (e) Each license shall be numbered and clearly identify the licensee
- (f) All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer
- (d) 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 (Penal Code §26220(c))
 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 (Penal Code §26220(e))
- (e) The licensee shall notify this Department in writing, within 10 days, of any change of place of residency (Penal Code §26210(b))
- (f) If the licensee's place of residence was the basis for the issuance of a license and the licensee moves out of the jurisdiction of the issuing agency, the license shall expire 90 days after the licensee has moved ((Penal Code §26210(d))

218.5.1 LICENSE RESTRICTIONS

The Chief of Police may place special restrictions limiting the time, place, and circumstances under which any license shall be valid (Penal Code §26200). In general, these restrictions will prohibit the licensee from:

1. Consuming any alcoholic beverage while armed
2. Falsely representing him/herself as a peace officer
3. Unjustified or unreasonable displaying of a firearm
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



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7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer
8. Loading the licensed firearm with illegal ammunition

The Chief of Police reserves the right to inspect any license or licensed firearm at any time.

The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights, or modifications shall void any license and serve as grounds for revocation.

218.5.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the valid period by completing and submitting a written California Department of Justice Application for License Amendment to the Department (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).

If any amendment to a valid license is approved by the Chief of Police, 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.

218.5.3 REVOCATION OF LICENSES

Any license issued under this policy may be revoked immediately by the Chief of Police for any of the following reasons:

- (a) The licensee has violated any of the restrictions or conditions placed upon the license
- (b) The licensee becomes psychologically unsuitable to carry a firearm
- (c) The licensee is determined to be within a prohibited class described in Penal Code §29800, §29900, Welfare and Institutions Code §8100, §8103, or any State or Federal law
- (d) The licensee engages in any conduct which involves a lack of good moral character for the original issuance of the license

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 Department of Justice (Penal Code §26225).



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218.5.4 LICENSE RENEWAL

No later than 90 days before the expiration of any valid license to carry a firearm, the licensee may apply to the Chief of Police for 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) Submitting any firearm to be considered for a license renewal to an LASD-authorized training provider 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 (Penal Code §31910)
- (d) Paying a non-refundable renewal application fee (per fee schedule)

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.

Whether a renewal application 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 Department of Justice, whichever is later. If the license is denied, the written notification shall specifically state which requirement was not satisfied (Penal Code §26205).

218.6 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 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 Chief of Police or authorized designee shall annually submit to the California State Attorney General the total number of licenses to carry firearms issued to reserve peace officers pursuant to Penal Code §26170, and to judges pursuant to Penal Code §26150 or Penal Code §26155 (Penal Code §26225).

218.7 CONFIDENTIAL RECORDS

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



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Any information in any application for a license to carry a firearm that indicates 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)).