



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
218**

CALEA

Approved: *Scott LaChasse*

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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 the carrying of firearms (Penal Code §26155(c)).

218.2 QUALIFIED APPLICANTS

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

- (a) Be a resident of the City of Burbank (Penal Code §26150 and §26155).
- (b) Be at least 21 years of age (Penal Code §29610).
- (c) Fully complete an application that 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.
- (e) Be of good moral character (Penal Code §26150 and §6155). The applicant shall provide at least three letters of character reference.
- (f) Show good cause for the issuance of the license (Penal Code §26150 and §6155).
- (g) Provide proof of ownership or registration of any firearm to be licensed.
- (h) Be free from any psychological conditions that might disqualify the applicant (Penal Code §26190).
- (i) Complete required training (Penal Code §26165).



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
218**

218.3 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. The first phase consists of a complete review of the CCW application to make a determination if good cause exists to issue a license. Upon successful completion of Phase One, the applicant will advance to Phase Two, the administrative phase of issuing a CCW.

The application fees are set by statute and may not be refunded if the application is denied. No applicant shall be required to pay for training prior to making a "good cause" determination (Penal Code § 26165(d)).

218.3.1 PHASE ONE

All applicants must complete this phase. Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice Standard Application to Carry a Firearm (including sections 6,7, & 8) to be signed under penalty of perjury. Any applicant who provides false information or statement on the application will be removed from further consideration and may be prosecuted for criminal offence (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 authorized designee may do any of the following:

- (a) Require the applicant to complete the package before any further processing.
- (b) Advance the incomplete package for conditional processing pending completion.
- (c) Issue a denial if the materials submitted demonstrate the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, applicant is not of good moral character, absence of good cause).

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

If the application is denied, 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.

If good cause exists and the application is moved 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).



Burbank Police Department

Scott LaChasse, Chief of Police

Policy
218

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 authorized designee for further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.

- (a) The determination of good cause should consider the totality of circumstances in each individual case.
- (b) Any denial for lack of good cause should be rational, articulable, and not arbitrary in nature.
- (c) The Department will provide written notice to the applicant as to the determination of good cause (Penal Code §26202).

Additionally:

- (a) A second set of fingerprints may be required for retention in Department files.
- (b) The applicant shall submit two recent passport size photos (two inches by two inches) for Department use.
- (c) The Chief of Police, based upon criteria established by the Chief of Police, may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. 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 ownership or registration of each firearm to be licensed.
- (e) The applicant shall complete a 16-hour course of training approved by the Department to minimally including firearms safety and the laws regarding the permissible use of a firearm. The course shall comply with Penal Code §26165. The applicant will not be required to complete and pay for any training course prior to any determination of good cause (Penal Code §26165 and §26205).
- (f) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other Department authorized gunsmith for a full safety inspection. 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.
- (g) The applicant shall successfully complete a firearms safety and proficiency examination administered by the Department Rangemaster with the firearm to be licensed or must provide proof of successful completion of another Department approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
218**

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 DOJ, whichever is later.

218.3.3 FEES

The applicant shall pay a non-refundable fee (made payable to the California Department of Justice) at the start of Phase Two for California DOJ to process the applicant's fingerprints as part of a criminal background investigation. (This does not include the fees associated with the actual LiveScan process).

The applicant may be required to also pay by separate check 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 §26270).

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 successfully 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 concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code §26220).



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
218**

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 and all 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.
 1. All such restrictions or conditions shall be clearly noted on any license issued (Penal Code §26200).
 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (c) 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.
 1. Each license shall be numbered and clearly identify the licensee.
 2. 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.
 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.
- (e) 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 issuance, the license shall expire 90 days after the licensee has moved (Penal Code §26210).
- (f) The licensee shall notify this Department in writing within 10 days of any change of place of residency.

218.5.1 LICENSE RESTRICTIONS

- (a) The Chief of Police may place special restrictions limiting time, place and circumstances under which any license shall be valid. 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.



Burbank Police Department

Scott LaChasse, Chief of Police

Policy
218

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 firearm for inspection upon demand of any peace officer.
 8. Loading the licensed firearm with illegal ammunition.
- (b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.
- (c) 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 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).

In the event that 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 pursuant to 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 or that might otherwise remove the good cause for the original issuance of the license.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another jurisdiction (Penal Code §26210).

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.



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
218**

If any license is revoked, the Department will immediately notify the licensee in writing and the California Department of Justice (Penal Code §26225).

218.5.4 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Chief of Police for a 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. The applicant shall not be required to pay for a training course prior to determination of good cause (Penal Code §26165).
- (c) Submitting any firearm to be considered for a license renewal to the Department's Rangemaster 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 of a non-refundable renewal application fee (per fee schedule).

Once the Chief of Police or 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 an application for renewal 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 DOJ, 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 DOJ:

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



Burbank Police Department

Scott LaChasse, Chief of Police

**Policy
218**

218.7 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, commissioner, or judge contained in an 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)).