

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: DUTY MANUAL REVISIONS:
CARRYING CONCEALED
WEAPON LICENSE (CCW)**

DATE: April 23, 2021

APPROVED

Memo# 2021-012

BACKGROUND

Until 2010, California Penal Code Sections 12050-12054 governed the process for issuing a license to carry a pistol, revolver, or other firearm capable of being concealed upon a person. The Deadly Weapons Recodification Act of 2010 recodified all the provisions of Part 6 of the California Penal Code – Control of Deadly Weapons, including the provisions for issuing a license to issue a concealable firearm. The licensing sections are now at Penal Code Sections 26150-26225, which are located at Chapter 4 - License to Carry a Pistol, Revolver, or Other Firearm Capable of Being Concealed Upon the Person.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike-through~~ form.

L 8600 CARRYING CONCEALED WEAPON LICENSE PERMIT (CCW):

Revised 04-23-21

The Department seeks to issue concealed weapons *license* ~~permits~~ only to those qualified persons who demonstrate a need based upon circumstances present at the time of application. It is recognized that there are many alternatives available to citizens to safeguard themselves and their families. The existence of these alternatives tends to limit the need to carry a weapon. A CCW *license* ~~Permit~~ is, therefore, issued only in those extreme circumstances where other means of protection are not practical.

L 8601 ISSUANCE OF CCW LICENSE PERMITS:

Revised 04-23-21

In accordance with California Penal Code Sections *for a License to Carry a Pistol, Revolver, or Other Firearm Capable of Being Concealed Upon the Person, Penal Code Sections 26150 - 26255* ~~12050–12054~~, the applicant must complete the following steps *set out in Duty Manual Sections L 8602 – 8609*.

L 8608 RESTRICTIONS ON POSSESSION:
Revised 04-23-21

In accordance with state regulation, the reviewing committee can recommend to the Chief of Police that the carrying of the weapon be restricted to certain occasions and/or circumstances. These restrictions, when approved by the Chief of Police, are plainly noted on the license permit.

L 8609 NOTIFICATION OF RESULTS:
Revised 04-23-21

All applicants are notified in writing of the results of their application for a CCW. In California it is wholly within the discretion of the issuing authority whether or not a license permit is issued.

L 8610 PERMIT LICENSE REVOCATION:
Revised 04-23-21

All concealable weapons license applications, whether they are for a new or renewal license, are subject to the following restrictions: Restriction violations of this license may constitute an immediate revocation and subject the bearer to provisions of 12025 of California Penal Code 25850 which makes it a crime to carry a loaded firearm in public, unless comes under one of the statutory exemptions to the Crime of Carrying a Concealed Firearm that follow after Section 25850. Additionally, the license may be seized by any police officer and returned to the San Jose Police Department, Office of the Chief of Police. ~~While exercising the privilege granted to them under the terms of this permit, permittees shall not do any of the following:~~

Pursuant Penal Code Section 26200, the Department may place reasonable restrictions or conditions as to the time, place, manner, and circumstances under which the licensee may carry a concealable firearm. While exercising the privilege granted to them under the terms of this license, licensees shall not do any of the following:

- ~~• Consume any alcoholic liquor.~~
- Represent to any person that they are police officers unless they are, in fact, peace officers defined by law.
- Abuse this privilege by an unjustified display of a deadly weapon.
- Violate any criminal law of this state, county, or city.
- Be under the influence of any alcoholic beverage, medication, or ~~narcotic drug~~ controlled substance as described in Health and Safety Code 11053-11058.
- Impede law enforcement officers in the conduct of their activities.
- Refuse to display said permit or to surrender said concealable weapon to any peace officer for inspection upon demand.

Note: CCW license steps are outlined in Duty Manual sections L 8602 – L 8610.

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.

A handwritten signature in black ink, appearing to read 'A. Mata', is positioned above the printed name and title.

Anthony Mata
Chief of Police

AM:SD:MB