



Legislation Text

File #: 24-326, **Version:** 1

Adopt a Resolution to Approve and Authorize the City Manager to Establish Concealed Carry Weapon License Fees and Amend Title 6, Chapter 4 of the San Leandro Administrative Code

COUNCIL PRIORITY

- Public Safety
- Fiscal Sustainability and Transparency
- Community Engagement and Outreach

SUMMARY AND RECOMMENDATIONS

The City of San Leandro does not presently have Concealed Carry Weapon (CCW) license fees established. Subsequent to changes in state law and administration of CCW license applications shifting from the Alameda County Sheriff's Office (ACSO) to local police municipalities, the San Leandro Police Department (SLPD) evaluated processing costs for CCW license applications and established license fees to cover these costs. Staff recommends the City Council establish Concealed Carry Weapon (CCW) license fees and amend Title 6, Chapter 4 of the San Leandro Administrative Code.

BACKGROUND

Under California law, CCW licenses can be issued exclusively by Sheriffs and Chiefs of Police. As a courtesy, the Alameda County Sheriff's Office (ACSO) previously handled the processing and issuance of CCW's for cities within Alameda County, which included the City of San Leandro.

In June 2022, the United States Supreme Court rendered a landmark ruling in the case of *New York Rifle and Pistol Association v. Bruen*, declaring the "proper cause" requirement for carrying firearms as unconstitutional. This prompted a legislative response in California, leading to the replacement of the "good cause" and "good moral character" requirements with the passing of California Senate Bill 2 (SB 2) in 2023.

The change to state law resulted in a surge of applications burdening most county Sheriff's agencies. Alameda County Sheriff Yesenia Sanchez informed law enforcement agencies in the county that, going forward, cities will be responsible for processing CCW applications within their jurisdiction.

At present, there are 44 approved CCW licenses issued by ACSO to residents of San Leandro, along with 142 pending applications from San Leandro residents, which ACSO agreed to process. However, it's important to note that the City of San Leandro will now handle all new license applications and renewals. It is estimated that SLPD will process approximately 200 licenses annually.

There are four categories of CCW licenses: Standard, Judicial, Reserve Officer, and Employment

(temporary).

- 1) The Standard CCW is applicable to residents of the City of San Leandro who meet the statutory requirements. The license must be renewed every two years.
- 2) A Judicial CCW license is for Judges who either reside in or work within the city limits. The license must be renewed every three years.
- 3) The Reserve Officer CCW is for individuals working as reserve police officers in a law enforcement agency and who reside in the City of San Leandro. They are required by law to have a CCW license to carry a firearm off-duty. This license must be renewed every four years.
- 4) The Employment (temporary) CCW license is designed for individuals conducting business in the City of San Leandro. This 90-day license is suitable for individuals like jewelers who may need to carry high-value products and materials for a short period, such as a jeweler visiting the city for business purposes.

Staff researched CCW licensing programs in three counties: Alameda, Contra Costa, and Solano, with the aim of identifying best practices consistent with other jurisdictions within Alameda County. The primary concern revolved around the significant amount of staff time that would be required for the licensing process mandated by state law as well as the fiscal implications associated with the process. As a result, an analysis of application fees was conducted with the goal of ensuring that the program remains cost-neutral to the City.

Analysis

A significant amount of staff time will be needed to oversee the CCW license program. Therefore, a retired annuitant position is proposed to serve in the role of CCW Coordinator, thus alleviating the additional strain that would have been realized by full-time staff. Staff also engaged in a service contract with Permittum LLC for processing applications and collecting fees.

Applicants must complete an online Department of Justice (DOJ) application (hosted by Permittum) and pay the requisite fees. Additionally, applicants must undergo fingerprinting (LIVESCAN) to facilitate a criminal history check and a firearm check through the DOJ. Successful completion of a background investigation, which includes an interview and reference check, psychological exam, firearms safety training and testing are mandatory before the process may be completed.

The CCW Coordinator will conduct the interview and reference checks. Applicants will be required to complete, at their expense, a psychological exam through an SLPD-approved vendor, a firearms safety course, and a firearms qualification test through an SLPD-approved DOJ-certified vendor. New applicants must successfully complete a sixteen-hour gun safety and qualification course, while renewals must complete an eight-hour course. The firearms safety courses will cover training on safe storage, current California laws related to firearms, and a test of shooting skills, which must be passed.

The DOJ-approved license permits the lawful carriage and certification of three firearms through training and testing.

Additionally, regardless of possessing a CCW license, licensees are subject to all applicable California laws to include safe transportation, safe storage, and lawful discharge. Furthermore, specific areas within California prohibit a CCW licensee from carrying a concealed weapon as per California Penal Code 171, including gun-free zones established by the California Administrative Code, school zones, government buildings, polling locations, engaging in picketing or other informational activities related to a concerted refusal to work, and airports. SB2 provides discretion for a Sheriff or Chief of Police to impose restrictions on a CCW license provided they are justifiable and defensible in the event of challenge through a lawsuit in the Superior Court by the CCW licensee. It is uncommon for additional restrictions to be placed by a Sheriff or Chief, as California law already limits the carrying of concealed weapons in many designated areas. Additionally, private entities reserve the right to impose restrictions and prohibitions on the carrying of weapons within their premises, such as at sports stadiums or event centers.

The following provides an itemized breakdown of the department costs that form the underlying basis of the recommended fee schedule, which includes variable fees that depend upon the specific license type and the associated individualized costs summarized below.

- CCW Coordinator - \$70.97
 - Allocation of four (4) hours of staff time per application, totaling \$283.88.
- State Fees (DOJ):
 - Standard Initial License - \$93.00
 - Standard Renewal License - \$52.00
 - Judicial Initial License - \$122.00
 - Judicial Renewal License - \$74.00
 - Reserve Officer Initial License - \$139.00
 - Reserve Officer Renewal License - \$96.00
 - Employment Initial License - \$38.00
 - Employment Renewal License - \$71.00
- Permitium LLC Fee - \$15.00
 - The cost of the software is \$3,000 for a one-year subscription. The \$15.00 fee has been calculated based on the anticipated processing of 200 applications within a year.
- FAMA Technologies Inc. (internet) Search Fee - \$32.00
 - The software subscription costs \$4,000 for one year, with an additional \$12.00 fee per report. The \$32.00 fee has been derived from the projected processing of 200 applications within a year.

Proposed License Fees (derived from itemized costs referenced above)

Standard Initial License (2 year) - Recommend \$424.00
Judicial Initial License (3 year) - Recommended \$453.00
Reserve Initial License (4 years) - Recommended \$470.00
Employment Initial License (90 days) - Recommended \$369.00

Standard Renewal License (2 years) - Recommended \$383.00
Judicial Renewal License (3 years) - Recommended \$405.00
Reserve Renewal License (4 years) - Recommended \$416.00

Employment Renewal License (90 days) - Recommended \$402.00

Duplicate - \$15.00

This fee is applicable if a license was lost or stolen, and a replacement document is requested.

Modification - \$35.00

This fee applies to a CCW license holder requesting a change to the information to the license, such as an address.

Applicants will incur additional costs not regulated by the SLPD. These costs are determined and managed by the vendors and service providers, including a psychological exam, LiveScan fingerprints, and firearms training.

Current Agency Policies

Police Lexipol Policy 206 -License to Carry a Firearm (currently under review).

Committee Review and Actions

The CCW License Fees were reviewed by the Finance Committee on March 27, 2024. The Finance Committee recommended taking the item to Council for discussion and approval.

Financial Impacts

There is no General Fund impact as the proposed CCW license fees are intended to cover the costs to issue the license. 50% may be collected upon filing of the initial or renewal application. The balance of the fee will be collected upon issuance of the license.

ATTACHMENTS

- A** - Resolution to Establish CCW License Fees and Amend Title 6, Chapter 4 of the Admin Code
- B** - Concealed Carry Weapon License Fee Schedule

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