

Street Safe Defense® Firearms Program
Carry Concealed Weapon Course

Produced By

MARTINELLI & ASSOCIATES
JUSTICE AND FORENSIC CONSULTANTS, INC

FUNDAMENTALS OF CONCEALED CARRY
For The Armed Professional or Citizen

Copyright© 2015

Ron Martinelli, PhD.

Forensic Consultant/Law Enforcement Consultant
Certified Litigation Specialist, AELE
Firearms Instructor

Master Instructors: **Dr. Ron Martinelli**
Brian Martinelli

Martinelli & Associates, Inc. is a recognized member in good standing of the National Rifle Association's Firearms Programs, the NRA Law Enforcement Activities Division (LEAD), the International Law Enforcement Educators and Trainers Association (ILEETA), and the International Association of Chiefs of Police. This CA CCW Course is approved by the Riverside County Sheriff's Department CCW Program.

Martinelli & Associates, Justice & Forensic Consultants, Inc.
27475 Ynez Road, Suite 716
Temecula, CA 92591

Phone: (951) 719-1450 * Email: Code3Law@martinelliandassoc.com

FUNDAMENTALS OF CONCEALED CARRY
FOR THE ARMED PROFESSIONAL OR CITIZEN

I. COURSE ORIENTATION

- A. Welcome & Training Staff Introduction
- B. Purpose, Scope, Goals and Objectives
- C. Facility Rules, Regulations, Restrictions & Conditions
- D. Training Attire

II. PURPOSE

This 8 hour course of instruction is designed to administer a program that focuses on advanced techniques coinciding with functional and operational skills necessary to employ a concealed firearm for the legally armed professional and citizen during an armed conflict.

Major emphasis is placed on operational needs of individuals by developing essential weapon handling skills that will increase each student's proficiency. This course will present technical material and operational techniques in drills and shooting exercises intended for the legally armed professional and citizen.

III. SCOPE

This course is designed for existing legally armed professionals and individuals applying for a Concealed Carry Permit (CCW).

IV. GOAL

Student achievement of specified objectives will result in a certificate of completion.

V. COURSE OBJECTIVES

- A. Demonstrate the primary drawing elements of marksmanship with the chosen handgun.
- B. Demonstrate the proper drawing techniques with the chosen concealed handgun.
- C. Describe the important elements of the appropriateness of caliber to assignment responsibilities.
- D. Articulate the laws applicable to concealed carry.
- E. Demonstrate Range Safety and Tactical Safety Rules throughout the course.

VI. DISCLAIMER

This course is presented with the understanding that the publisher, instructors and authors do not render any legal, accounting or other professional advice or services. It is intended for use as a basis for general firearms training, and is not intended to be all inclusive resource, treatise, or restatement of the law, nor is it intended to establish specific standards of care, nor should it be used for that purpose.

Due to the rapidly changing nature of firearms, firearms training and firearms law, you must always research original source of authority and update time sensitive information to ensure accuracy.

You are advised that you alone are responsible for the decision to apply or not to apply this information to the particular circumstance you may encounter. In no event will the authors, the instructors, the reviewers, or the publisher be liable for any direct, indirect, or consequential damages resulting from the information and/or techniques presented in this course.

FUNDAMENTALS OF CONCEALED CARRY
FOR THE ARMED PROFESSIONAL OR CITIZEN

Classroom

1. Instructor's Introduction/Biographical Information
 - a. Range Policy and Procedures
 - b. Start Times and Breaks
 - c. Student Requirements
 - d. Training Attire
2. Purpose of Course
 - a. Scope, Goals and Course Objectives
 - b. What to Expect
 - c. Coach/Pupil Interaction
3. Safety Briefing
 - a. Course Rules and Regulations
 - b. Four Cardinal Rules of Firearms Safety
 - c. Tactical Safety
 - d. Negligent Discharges
 - e. Firearms Safety At Home
4. Hot Range Concepts and Safety
 - a. Range Commands
5. The Winning Mindset
 - a. Survival Preparedness
 - b. Officer Involved Shooting Statistics
 - c. Color Codes of Awareness
 - d. Factors that Influence Speed and Correctness of Response
6. Philosophy
 - a. Carry Locations
 - b. Locations Guidelines
7. Weapon Selection
 - a. Based on Appropriate Training
 - b. Application Guidelines
 - c. Appropriateness of Caliber
 - d. Carry Positions and Support Equipment
 - e. Guidelines for Clothing Selection
8. Applicable Laws – California Penal Code
 - a. Section 187 - Murder
 - b. Section 192 – Manslaughter
 - c. Section 197 – Justifiable Homicide
 - d. Section 198 – Sufficiency of Fear
 - e. Section 198.5 – Home Protection
 - f. Section 417 – Drawing, Exhibiting or Using a Firearm or Deadly Weapon
 - g. Sections 25000-25205 – Storage of Firearms
 - h. Sections 26150-26165 – License to Carry

Range – Static Dry Firing Drills

1. Covert Drawing Procedures
 - a. Knife & Cut
 - b. Trap & Push
 - c. Seize & Yank
2. Loading & Unloading
 - a. Trigger Reset & Scan Drills
 - b. Loading & Unloading
 - c. Reloading
3. Range Clean-Up

FIREARMS SAFETY

1. It is **MY RESPONSIBILITY** to keep myself, and everyone else, safe.
2. **Muzzle Discipline** – I will always keep my muzzle pointed in the safest direction and never intentionally cross anything I am not prepared to shoot.
3. **TRIGGER FINGER** – I will keep my trigger finger straight on the frame of the gun (indexing) unless the muzzle is pointed at something I am prepared to shoot.
4. Anytime I observe a potentially unsafe condition developing it is my responsibility to correct the matter or immediately call “**CEASE FIRE**”.
5. On hearing the command to “**CEASE FIRE,**” I will immediately stop shooting and remain in position, and repeat the “**CEASE FIRE**” command and wait further instructions.
6. The **PRIME DIRECTIVE** – I will keep my handgun secured and holstered at all times unless specifically directed otherwise.

Additional Range Training Safety Rules

1. **TREAT ALL FIREARMS AS LOADED ALL OF THE TIME.**
2. **Eye, Ear and Cap Protection** – Eye, ear and cap protection ARE required by those on the firing line and those anywhere on the range or in its immediate vicinity. Eye protection will be clear wrap-around or side panels, ear protection will be plugs and/or muffs and cap protection will have a 3” bill to deflect ejected cases.
3. **Alcohol, Drugs and Firearms DO NOT Mix** – Persons under the influence of alcohol or drugs will not be allowed to participate in any shooting exercises. Even non-prescription drugs can impair the shooter’s ability to safely handle or shoot a firearm. NOTE: If you are taking any prescription/non-prescription drug or there is any physical condition/problem that should be noted, please advise one of the Training Staff in private before going to the range.
4. **No Bending Over on the Range** – It presents the top of your head to fire while cutting down on your field of vision. DON’T PICK ANYTHING UP ON THE RANGE UNLESS DIRECTED TO DO SO BY OUR STAFF. *After* direction by staff, if you need something on the ground, take a step back and go into an upright kneeling position, reach for the items while keeping behind all muzzles.
5. **No Ammunition is Allowed in the Cleaning area** – If a designated cleaning area is used, all firearm and magazines will be UNLOADED in a designated loading/unloading area, and checked to make sure they are clear of any ammunition before entering the cleaning area and the muzzle will ALWAYS be pointed in a safe direction.
6. **Safe Actions** – various training actions (taking a step sideways, tactical kneeling, etc.) performed on the range are acceptable provided they are done SAFELY and under supervision of our staff.
7. **Leaving the Firing Line** – Advise a member of the Training Staff if you are going to leave the line and the reason.
8. **All Equipment on the Person** – Come to the line with ALL the equipment you will need.

9. **Report Injuries** – Report any injury, no matter how minor, to one of the Training Staff at your earliest convenience.
10. **Action Open on UNLOADED Firearm before Handling or Receiving** – The unloaded firearm's action must be open (if magazine fed, the magazine must also be removed) before handing it to anyone or receiving it from anyone.

HOT RANGE PHILOSOPHY

1. **Hot Range** – Students are required to keep their handgun loaded at all times and they are responsible for ammunition maintenance (keeping their handgun, magazines and speed loaders charged at all times.)
2. **The Prime Directive** – In both Cold and Hot Ranges, the handgun will stay secured in its holster until directed otherwise.
3. **Awareness and Safety** – Students must pay complete attention throughout all range training as they are informed of the continuing program, which is required and led safely through it. Safety and realistic training are the prime consideration. Various range commands will be given and must be followed quickly and safely.
4. **“Is the Line Securely Holstered?”** – No one moves forward of the firing line until:
 - a. All handguns are holstered.
 - b. The command to move forward has been given.
5. **“Is the Target Area Clear?”** – When the question is asked, everyone should be looking down range to make sure that everyone is back.
6. **Remember** – Safety is everyone's responsibility and everyone must be involved 100% of the time.

MENTAL CONDITIONING

1. **Keys to Survival**
 - a. Mental and Physical Conditioning
 - b. Must train the mind as well as the body
 - c. Neurological Pathway
2. **Motivators**
 - a. Anger
 - b. “I will survive no matter what!”
 - c. If I am wounded I am not dead. I will focus on target and engage.
3. **Body Alarms**
 - a. Body alarms which affect our survival and shooting skills during high stress situations must be defined and understood.

Tunnel Vision
Auditory Dysfunction
Time Distortion
Blood Redirected
Adrenaline Dump
Fight or Flight Response

4. **Subconscious Mind**
 - a. The subconscious mind is responsible for all motor function, and long term memory. Repetitive practice will produce trained-in skills that require no conscious thought during a potentially lethal confrontation.
 - b. Safety in your day-to-day carrying and use of firearms must become a subconscious routine that is used one hundred percent of the time.
5. **Mind Set**
 - a. A state of mind that is produced when people mental condition and prepare themselves for the realities of a potential lethal encounter.
6. **Mental Rehearsal**
 - a. Forming a mental image of a possible encounter and formulating a practical course of action. Mental rehearsal enhances your ability to quickly decide on a realistic course of action.
7. **Sixth Sense**
 - a. Perception, a response to external stimuli, intuition. This phenomenon can increase the odds of your survival.

SURVIVAL AWARENESS

1. The human body can absorb a lot of shock and trauma.
2. Remember the key motivators that enable you to survive are: anger, focus, determination and the “Survival Mindset.”
3. **NEVER** give up and accept death when injured, **ALWAYS** continue to fight.
4. You must be aggressive, to induce doubt and shock in your adversary.
5. Primitive tribes and the U.S. Marines shout and scream when they attack to overwhelm their adversaries.
6. The subconscious mind does not know the difference between reality and fantasy once a memory pattern is established.
7. Anger, hatred and revenge can be practiced and learned during firearm training.
8. Several traditional shooting styles and techniques do not work in real world shooting situations.
9. You need to develop fast and aggressive shooting skills. You must learn to rely on the subconscious mind to enhance your survival skills.
10. You must learn to hit the target within the target’s time, not your time. Live targets will frequently be moving.
11. When your mind senses danger, your body is preparing you for what is called the “**Fight or Flight**” response.
12. During a violent altercation, a tremendous amount of adrenaline is secreted into the system. Blood pressure increases and is redirected elsewhere in the system, causing super strength making you impervious to pain.

13. High or even moderate levels of stress interfere with fine muscular/motor controls and decision making.

COLOR CODES OF AWARENESS

WHITE:

Generally passive, totally unprepared and mentally asleep. Any attack upon your person would be successful; chances of your survival are slim-to-none.

YELLOW:

Fully alert, aware of your surroundings and conditions in general. You are not actively looking for danger, but you know it could occur. This state of mind can be maintained almost indefinitely.

ORANGE:

Alert and focused on a specific problem and/or potential danger. Heart rate becomes elevated, hands turn cold and clammy, mouth gets dry, voice heightens, breathing becomes shallow, and a tightness or knot in the stomach along with the need to urinate is experienced. You are aware of possible cover that can be taken by you or your opponent, and of the avenues of potential movement and/or escape. Psychologically, you are in a "what if situation."

RED:

Engaged in a violent, life-threatening confrontation. This fight cannot be avoided or evaded. All possibility of defusing the situation has evaporated. In three to five seconds you will experience the following:

- Uncontrollable upper body quiver
- Your hands start shaking
- Knees feel weak
- Heart rate is extremely elevated
- Psychologically, doubts or negative thoughts increase
- The inability to think occurs along with tunnel vision

BLACK:

Panic, misdirected frenzy, immobility, reacting through fear. You are unable to make a decision; your mind has gone blank. Be it lack of training, lack of preparedness, or complacency.

*NOTE: The two color zones you NEVER want to be in are: **WHITE** and **BLACK**.

PHILOSOPHY OF CONCEALED CARRY

1. Throughout the term of a professional's career, there will be many situations where carrying a handgun concealed may become a priority.
2. Concealed carry actually means "**covert**" carry. Casual observation from the public should never determine that you are carrying a concealed handgun.
3. The ability to carry concealed is based on your understanding of available equipment and how that equipment relates to personal body type, assignment, seasonal concerns existing laws.
4. Professionals who work high risk positions fall into the casual concealment (visibility to the casual observer) category.

5. The armed professional or citizen shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm.

Concealed Carry Locations

1. There are three body locations for the weapon suitable for concealed carry. The **waist** carry is the most traditional and the preferred location.
 - a. Abdomen
 - b. Appendix
 - c. Kidney
 - d. Small of Back
2. A popular location for many body guards is under the arm in a **shoulder** holster.
 - a. Butt forward
 - b. Butt down
3. The final location is the **ankle** carry.

Location Guidelines

1. Each carry location has its benefits as well as drawbacks. What you must determine is the degree of concealment required.
2. You should not allow the viewing public to determine the presence of a firearm.
3. Professionals working in covert or undercover operations have a need for concealment that is exclusive to them.
4. Undercover professionals must not look like the police and they cannot carry the same type of firearms in the traditional locations if they hope to avoid detection under close scrutiny.

WEAPON SELECTION

A. Based On Appropriate Training

1. Carrying a concealed handgun will be regulated by State and local laws and you are responsible for knowing these laws.
2. For liability consideration, professionals must adhere to the boundaries of existing laws and support the laws through adequate training.
3. The selection of weapon and support gear must be based on appropriate training, not based upon what is seen on television or in the movies or what is read in the latest gun magazine.
4. The intent, geographic location and the change of seasons must be considered.
5. A training dilemma can emerge requiring you to seek suitable training for each change.
6. Body type, physical constraints and range of motion must also be considered when selecting a weapon and support equipment.

7. The higher the capacity of the handgun, the larger it must be, particularly in the area of the grip where it is the most difficult to conceal.

B. Application Guidelines

1. The rule of thumb in selecting the type of firearm is to choose the type that your **training supports** and your physical size can accommodate.
2. The selection process should be placed into an objective category based upon fact, rather than a subjective one based upon emotion.

C. Appropriateness of Caliber

1. Handguns chambered for .22, .25 ACP, .32 and some .380's are small in size and easily hidden (check with your State and local laws to ascertain what calibers are legal to carry).
2. The downside is their reliability against a human threat with anything other than contact wounds to the central nervous system.
3. Generally, as the calibers get larger, so do the weapons. The consideration here is related to the material used in construction, the weight factor, the total ammunition capacity, caliber and the profile of the selected handgun.
4. Larger handguns are easily hidden by persons of large size or in a purse, fanny pack or underneath bulky outerwear.
5. The objective is to conceal a handgun of suitable caliber that allows for continuity of training, but of a size that is not easily detected.

D. Weapon Carry Positions and Support Equipment

1. Should you be forced to draw because of actual attack, weapon accessibility and first shot reliability are of primary importance.
2. The specific difficulty of concealing any handgun is the grip area.
3. The traditional location for concealing handgun is on the dominant side hip. This carry location allows for continuity of training.
4. Men have several options for waist carry that is only limited by personal body size and the handgun and support equipment selected.
5. The external waist carry creates some difficulties for women, primarily because of the curvature of the hips.
6. Outside the trousers carry is facilitated by a high rise holster that attaches directly to the belt and equipped with an internal retention device.
7. High rise holsters can limit access for the very tall (over 6'3") and women because of hyper-extension of the dominant shoulder during the draw.
8. Careful consideration must be given to the location and method of attachment of support equipment so as not to interfere with access or printing through the clothing.

9. An option for both men and women is inside the trousers carry. For easy access and conceivability, the holster should be positioned forward of the hip on the dominant side in an appendix-style carry. The butt of the handgun should just protrude above the belt line.
10. The external high rise holster, positioned on the dominant side waist, provides the professional with excellent security, comfort, easy concealment and ready access from underneath a variety of outer garments.
11. Shoulder holsters have too many tactical drawbacks to be seriously considered as a carry method.
 - a. The ease that an attacker can disarm you.
 - b. Easier for the attacker to draw than the technique you use to draw.
 - c. Regardless of whether the handgun is carried in a vertical or horizontal position, the butt of the gun will always face forward.
 - d. Poor reliability of concealment, due to harness assembly printing through out garment and blousing effect the butt of the gun will have on the front of the coat.
 - e. Shoulder holsters are not comfortable to wear or long periods of time, are slower to draw from, have poor retention characteristic, cannot be re-holstered with one hand and lack the level of concealability required.
12. Fanny packs or waist pouches provide security for the weapon and ready access.
13. Waist pouches are unisex; ideal for casual settings such as schools, the beach or parks.
14. The drawback is that most people associate these pouches with concealed firearms.
15. Properly constructed handbags afford both men and women access to their handguns without interference from other articles in the bag. However, they must be cautious of a purse snatch and/or unattended bag.

E. Guidelines For Clothing Selection

1. Occupation is the major controlling factor on the type of clothing worn and how the handgun will be concealed.
2. Consideration must be given to waist size when purchasing trousers to accommodate a holster and weapon worn inside the trousers.
3. Have a tailor open up the suit coat slightly at the desired location to accommodate the holstered firearm.
4. It is important that the clothes not appear stressed or bulging.
5. A properly fitted suit that is tailored while the weapon is worn will provide the professional with the best model of casual concealment.
6. The same tailoring consideration exists for the female professional as the male. Clothing will need to be let out to accommodate the handgun if it is to be worn on the body.
7. There are three questions you must ask yourself with complete candor before carrying a concealed handgun:
 - a. Why am I carrying a gun?
 - b. Am I willing to be my life on it?
 - c. Am I willing to dress for it?

COVERT DRAWING PROCEDURES

A. There are three steps for the presentation of the concealed handgun.

1. **ACCESS** – The first step is access, that is, grip the weapon and unsnap any restraining devices. The trigger finger does not contact the trigger, and the dominant elbow remains close to the body.
2. **WITHDRAW** – The second step is to remove the handgun from the holster only as far as is necessary to clear the holster. The wrist is straight and locked, trigger finger alongside of the frame, and the elbow close to the body. The support hand is moving towards the body center to intercept the gripping hand.
3. **PRESENTATION** – The third step is thrusting the weapon towards target from position two, in a straight line, to intercept the line of sight and stop in the shooting position.

B. Covert Drawing Techniques

1. **Outside the Waistband** - There are three covert drawing techniques for the concealed handgun being carried outside the waistband.
 - a. **Knife & Cut** – The outer garment must be unbuttoned to properly present the handgun with a minimum of motion. The dominant hand should knife and cut directly to the body center to get in front of and under the garment. Keeping the dominant hand close to the body, the coat is pushed out of the way (rearward) until the stocks are accessed. The draw is now completed accordingly to the three step presentation.
 - b. **Trap & Push** – The outer garment must be open to properly present the handgun a minimum of motion. The support hand traps the edge of the open garment between the fingers and pushes it underneath the dominant side armpit. The draw is now completed according to the three step presentation.
 - c. **Seize & Yank** – The support hand seizes the bottom edge of the closed garment and yanks it to the dominant side armpit, pulling garment out of the way (upwards) until the stocks can be accessed. The draw is now completed according to the three step presentation.
2. **Inside the Trousers**
 - a. The draw from inside the trousers is performed in the same manner as the hip carry. The greatest advantage of the inside the trousers carry is ease of concealment and its discreet quality.
3. **Cross Draw**
 - a. The cross draw carry has a very limited application and has the same tactical drawbacks as the shoulder holster.
4. **Ankle Carry**
 - a. The ankle carry affords the armed citizen two drawing methods.
 1. Standing – this technique can create a balance problem; elevate the carry leg so the knee is waist high. With both hands, forcefully pull up the trouser leg. Hold the trouser leg with the support hand, and draw the weapon with the dominant hand.
 2. Kneeling – this technique is stable, but cannot be performed on the move compromising the armed citizen. Step forward with the non-carry leg and drop

the knee of the carry leg to the ground. As this is accomplished, the trouser leg concealing the weapon is raised and the weapon accessed.

5. **Shoulder Holster**

- a. To effectively draw from a shoulder holster, the coat must be unbuttoned and the rig anchored to the body and belt.
- b. The most common error made when drawing from a shoulder holster is to allow the support shoulder to move towards your rear as you reach for the handgun with the dominant hand.
- c. The proper method is to bring the shoulders together at body center as the dominant hand reaches for the handgun. This positions the gun butt closer to the gripping hand rather than farther away.

6. **Fanny Pack**

- a. The fanny pack allows the discreet carrying of a firearm, and should be worn in front at body center, or just forward of the hip on the support side.
- b. Once the pouch is opened by the support hand, the dominant hand accesses the pistol.
- c. You must be cognizant of the fact that most people will associate a fanny pack with a concealed handgun.

7. **Purse**

- a. The purse is opened with both hands while in its carry position across the support shoulder.
- b. The purse is then stabilized by the support hand while the dominant hand accesses the handgun.

C. **Securing the Handgun**

1. One cannot overlook nor minimize the importance of a safe technique for returning the handgun back to the carry location after it is determined lethal force is no longer required.
2. The design of the carrying device should ideally allow for a one-handed draw, and a one-handed return of the handgun.
3. Never look at the holster or concealment device when you secure the handgun.
4. As a rule of thumb, never secure the handgun until you are ready to do so, and then only with one hand while observing the threat area.

RANGE EXERCISES

1. Static Dry Drills
 - a. Stance
 - b. Steps of the Draw
 - c. Draw & Challenge
 - d. Dry Fire
 1. Individual and shooter/coach reset exercise
 2. Loading & Unloading
 - a. Dummy Rounds
 - b. Live Ammunition
 3. Live Fire Exercise
 - a. Trigger Reset & Scan Drill
 1. Proper use of sights and scan techniques
 2. Trigger finger off trigger/out of trigger guard while scanning
 4. Drawing Exercises
 - a. Draws and challenge on first command, fires on second command.
 - b. Emphasis on movement, trigger reset, proper use of sights and scan techniques
 5. Reload Exercises
 - a. Slide Forward
 - b. Slide Locked Open
- Summary
- a. Certification Course
 - b. Written Test

Section 187 - Murder

(a) Murder is the unlawful killing of a human being, or a fetus, with malice aforethought.

(b) This section shall not apply to any person who commits an act that results in the death of a fetus if any of the following apply:

(1) The act complied with the Therapeutic Abortion Act, Article 2 (commencing with Section 123400) of Chapter 2 of Part 2 of Division 106 of the Health and Safety Code.

(2) The act was committed by a holder of a physician's and surgeon's certificate, as defined in the Business and Professions Code, in a case where, to a medical certainty, the result of childbirth would be death of the mother of the fetus or where her death from childbirth, although not medically certain, would be substantially certain or more likely than not.

(3) The act was solicited, aided, abetted, or consented to by the mother of the fetus.

(c) Subdivision (b) shall not be construed to prohibit the prosecution of any person under any other provision of law.

(Amended by Stats. 1996, Ch. 1023, Sec. 385. Effective September 29, 1996.)

Section 192 – Manslaughter

Manslaughter is the unlawful killing of a human being without malice. It is of three kinds:

(a) Voluntary—upon a sudden quarrel or heat of passion.

(b) Involuntary—in the commission of an unlawful act, not amounting to felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection. This subdivision shall not apply to acts committed in the driving of a vehicle.

(c) Vehicular— Except as provided in subdivision (a) of Section 191.5, driving a vehicle in the commission of an unlawful act, not amounting to felony, and with gross negligence; or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence.

(Amended by Stats. 2006, Ch. 91, Sec. 2. Effective January 1, 2007.)

Section 197 – Justifiable Homicide

Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,

2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,

3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,

4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

(Amended by Stats. 1963, Ch. 372.)

Section 198 – Sufficiency of Fear

A bare fear of the commission of any of the offenses mentioned in subdivisions 2 and 3 of Section 197, to prevent which homicide may be lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

(Amended by Stats. 1987, Ch. 828, Sec. 8.)

Section 198.5 – Home Protection

Any person using force intended or likely to cause death or great bodily injury within his or her residence shall be presumed to have held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using the force knew or had reason to believe that an unlawful and forcible entry occurred.

As used in this section, great bodily injury means a significant or substantial physical injury.

(Added by Stats. 1984, Ch. 1666, Sec. 1.)

Section 417 – Drawing, Exhibiting or Using a Firearm or Deadly Weapon

(a) (1) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any deadly weapon whatsoever, other than a firearm, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses a deadly weapon other than a firearm in any fight or quarrel is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than 30 days.

(2) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses a firearm in any fight or quarrel is punishable as follows:

(A) If the violation occurs in a public place and the firearm is a pistol, revolver, or other firearm capable of being concealed upon the person, by imprisonment in a county jail for not less than three months and not more than one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment.

(B) In all cases other than that set forth in subparagraph (A), a misdemeanor, punishable by imprisonment in a county jail for not less than three months.

(b) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any loaded firearm in a rude, angry, or threatening manner, or who, in any manner, unlawfully uses any loaded firearm in any fight or quarrel upon the grounds of any day care center, as defined in Section 1596.76 of the Health and Safety Code, or any facility where programs, including day care programs or recreational programs, are being conducted for persons under 18 years of age, including programs conducted by a nonprofit organization, during the hours in which the center or facility is open for use, shall be punished by imprisonment in the state prison for 16 months, or two or three years, or by imprisonment in a county jail for not less than three months, nor more than one year.

(c) Every person who, in the immediate presence of a peace officer, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, and who knows, or reasonably should know, by the officer's uniformed appearance or other action of identification by the officer, that he or she is a peace officer engaged in the performance of his or her duties, and that peace officer is engaged in the performance of his or her duties, shall be punished by imprisonment in a county jail for not less than nine months and not to exceed one year, or in the state prison for 16 months, or two or three years.

(d) Except where a different penalty applies, every person who violates this section when the other person is in the process of cleaning up graffiti or vandalism is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than three months nor more than one year.

(e) As used in this section, "peace officer" means any person designated as a peace officer pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(f) As used in this section, "public place" means any of the following:

(1) A public place in an incorporated city.

(2) A public street in an incorporated city.

(3) A public street in an unincorporated area.

(Amended by Stats. 2011, Ch. 15, Sec. 347. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

Section – 25000 – Storage of Firearms

As used in this division, “child” means a person under 18 years of age.
(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

Section 25100 – Criminal Storage of a Firearm

(a) Except as provided in Section 25105, a person commits the crime of “criminal storage of a firearm of the first degree” if all of the following conditions are satisfied:

- (1) The person keeps any loaded firearm within any premises that are under the person’s custody or control.
- (2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child’s parent or legal guardian.
- (3) The child obtains access to the firearm and thereby causes death or great bodily injury to the child or any other person.

(b) Except as provided in Section 25105, a person commits the crime of “criminal storage of a firearm of the second degree” if all of the following conditions are satisfied:

- (1) The person keeps any loaded firearm within any premises that are under the person’s custody or control.
- (2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child’s parent or legal guardian.
- (3) The child obtains access to the firearm and thereby causes injury, other than great bodily injury, to the child or any other person, or carries the firearm either to a public place or in violation of Section 417.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

Section 25105 - Exceptions

Section 25100 does not apply whenever any of the following occurs:

- (a) The child obtains the firearm as a result of an illegal entry to any premises by any person.
- (b) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (c) The firearm is carried on the person or within close enough proximity thereto that the individual can readily retrieve and use the firearm as if carried on the person.
- (d) The firearm is locked with a locking device, as defined in Section 16860*, which has rendered the firearm inoperable.
- (e) The person is a peace officer or a member of the Armed Forces or the National Guard and the child obtains the firearm during, or incidental to, the performance of the person’s duties.
- (f) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person.
- (g) The person who keeps a loaded firearm on premises that are under the person’s custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(Amended by Stats. 2011, Ch. 285, Sec. 26. Effective January 1, 2012.)

*Section 16860 – As used in the above section, “locking device” means a device that is designed to prevent a firearm from functioning and, when applied to the firearm, renders the firearm inoperable.

Section 25110

(a) Criminal storage of a firearm in the first degree is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years, by a fine not exceeding ten thousand dollars (\$10,000), or by both that imprisonment and fine; or by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) Criminal storage of a firearm in the second degree is punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(Amended by Stats. 2011, Ch. 15, Sec. 541. Effective April 4, 2011. Amending action operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68. Section operative January 1, 2012, pursuant to Stats. 2010, Ch. 711, Sec. 10.)

Section 25125

(a) The fact that a person who allegedly violated Section 25100 attended a firearm safety training course prior to the purchase of the firearm that was obtained by a child in violation of Section 25100 shall be considered a mitigating factor by a district attorney when deciding whether to prosecute the alleged violation.

(b) In any action or trial commenced under Section 25100, the fact that the person who allegedly violated Section 25100 attended a firearm safety training course prior to the purchase of the firearm that was obtained by a child in violation of Section 25100 is admissible.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

Section 25200 – Storage of Firearm Where Child Obtains Access and Carries Firearm Off-Premises

(a) If all of the following conditions are satisfied, a person shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine:

(1) The person keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premises that are under the person's custody or control.

(2) The person knows or reasonably should know that a child is likely to gain access to that firearm without the permission of the child's parent or legal guardian.

(3) The child obtains access to that firearm and thereafter carries that firearm off-premises.

(b) If all of the following conditions are satisfied, a person shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding five thousand dollars (\$5,000), or by both that imprisonment and fine:

(1) The person keeps any firearm within any premises that are under the person's custody or control.

(2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian.

(3) The child obtains access to the firearm and thereafter carries that firearm off-premises to any public or private preschool, elementary school, middle school, high school, or to any school-sponsored event, activity, or performance, whether occurring on school grounds or elsewhere.

(c) A pistol, revolver, or other firearm capable of being concealed upon the person that a child gains access to and carries off-premises in violation of this section shall be deemed "used in the commission of any misdemeanor as provided in this code or any felony" for the purpose of Section 29300 regarding the authority to confiscate firearms and other deadly weapons as a nuisance.

(d) As used in this section, "off-premises" means premises other than the premises where the firearm was stored.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

Section 25205 - Exceptions

Section 25200 does not apply if any of the following are true:

(a) The child obtains the firearm as a result of an illegal entry into any premises by any person.

(b) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.

(c) The firearm is locked with a locking device, as defined in Section 16860, which has rendered the firearm inoperable.

(d) The firearm is carried on the person within close enough range that the individual can readily retrieve and use the firearm as if carried on the person.

(e) The person is a peace officer or a member of the Armed Forces or National Guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.

(f) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person.

(g) The person who keeps a firearm has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

Section 26150 – License to Carry a Pistol, Revolver, or Other Firearm Capable of Being Concealed Upon the Person

(a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the sheriff of a county may issue a license to that person upon proof of all of the following:

(1) The applicant is of good moral character.

(2) Good cause exists for issuance of the license.

(3) The applicant is a resident of the county or a city within the county, or the applicant's principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.

(4) The applicant has completed a course of training as described in Section 26165.

(b) The sheriff may issue a license under subdivision (a) in either of the following formats:

(1) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

Section 26155

(a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the chief or other head of a municipal police department of any city or city and county may issue a license to that person upon proof of all of the following:

(1) The applicant is of good moral character.

(2) Good cause exists for issuance of the license.

(3) The applicant is a resident of that city.

(4) The applicant has completed a course of training as described in Section 26165.

(b) The chief or other head of a municipal police department may issue a license under subdivision (a) in either of the following formats:

(1) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Where the population of the county in which the city is located is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) Nothing in this chapter shall preclude the chief or other head of a municipal police department of any city from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

Section 26160

Each licensing authority shall publish and make available a written policy summarizing the provisions of Section 26150 and subdivisions (a) and (b) of Section 26155.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

Section 26165

(a) For new license applicants, the course of training for issuance of a license under Section 26150 or 26155 may be any course acceptable to the licensing authority, shall not exceed 16 hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.

(b) Notwithstanding subdivision (a), the licensing authority may require a community college course certified by the Commission on Peace Officer Standards and Training, up to a maximum of 24 hours, but only if required uniformly of all license applicants without exception.

(c) For license renewal applicants, the course of training may be any course acceptable to the licensing authority, shall be no less than four hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. No course of training shall be required for any person certified by the licensing authority as a trainer for purposes of this section, in order for that person to renew a license issued pursuant to this article.

(d) The applicant shall not be required to pay for any training courses prior to the determination of good cause being made pursuant to Section 26202.

(Amended by Stats. 2011, Ch. 741, Sec. 1. Effective January 1, 2012.)

Useful Links:

www.martinelliandassoc.com – Official website for Martinelli & Associates, Justice & Forensics Consultants, Inc.

www.streetsafedefense.com – Official website for Street Safe Defense

<http://www.riversidesheriff.org/firearms/ccw.asp> - Riverside County Sheriff's Dept. CCW permit information.

http://www.azdps.gov/services/concealed_weapons/ - Arizona Dept. Of Public Safety CCW permit information.

oag.ca.gov/sites/all/files/agweb/pdfs/firearms/pdf/cfl2013.pdf – California Dept. of Justice, Office of the Attorney General – California Firearms Laws 2013 pdf file

www.thewellarmedwoman.com – *The Well Armed Woman* provides information, products and training for women shooters with a primary focus on armed self defense.

www.nra.com – National Rifle Association providing generations of Americans with programs focused on safety, education and responsibility.

www.uscca.com – offers free and paid resources for the concealed carry gun owner.