

CAL-ERT 12/07/08 --- 5:00 P.M.

MEMBER ALERT/MEDIA RELEASE

This information is accurate at the time this CAL-ERT was written and originally distributed. The NRA Members' Councils of California will keep you informed as the legislative, regulatory, and/or litigation situation changes in California.

The following is from NRA's California Attorney, Chuck Michel. Please address any comments and/or questions to his office, using the contact information included herein.

MEMBER ALERT/MEDIA RELEASE

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Contact: Chuck Michel, Legal Counsel (562) 216-4444

ORANGE COUNTY SHERIFF HALTS CCW REVOCATIONS - FOR NOW

Interim Orange County Sheriff Sandra Hutchens, appointed after Sheriff Mike Carona resigned from office to face federal corruption charges, has been harshly criticized over her decision to send revocation letters to roughly 400 Carry Concealed Weapon (CCW) holders for allegedly lacking "good cause" as she interprets it in her new CCW policy. The holders were deemed by Carona to have "good cause." At first Hutchens justified the policy by saying there was a perception that CCWs were issued in exchange for political support in the Carona administration. But the vast majority of the CCWs issued by Carona were perfectly legitimate, and after the Orange County Board of Supervisors (BOS) was flooded with complaints from these CCW holders and turned up the heat on Hutchens, she now claims (*based on bad legal advice from attorneys sympathetic to the gun ban lobby*) that she is legally limited in defining "good cause" and has no discretion to issue CCWs liberally. If her legal position were correct, all of the many Sheriffs and Chiefs who broadly interpret "good cause" and more freely issue CCWs throughout California would be breaking the law.

NRA and CRPA attorneys provided the BOS with several legal memorandums explaining the broad authority that any sheriff or police chief has in determining what constitutes “good cause” to issue a CCW permit. These memoranda analyze the significance of a 1977 Attorney General letter that Hutchens’ legal advisor is primarily relying on in claiming her discretion to issue CCWs is limited. The NRA/CRPA lawyers also provided the BOS with a proposed resolution concerning issuing CCWs. Attorneys for the like-minded self-defense civil rights activists at www.calccw.com also provided materials to the BOS. These and other documents relating to the dispute are available at www.calgunlaws.com.

The BOS met on November 18, 2008 and, led eloquently by pro-self-defense-civil-rights Supervisor Chris Norby, unequivocally urged the Sheriff to reconsider her restrictive CCW issuance policy. Then Supervisor Patricia Bates added an agenda item to the November 25 meeting to address the unintended consequences of an electronic “scarlet letter” appearing on a citizen's Department of Justice record when a CCW is revoked – because police generally assume a revocation occurs because of criminal wrong-doing. Bates requested the county ask the state Attorney General to devise a method for noting CCW revocation that doesn't necessarily imply wrong-doing. The BOS approved her item.

During the hearing Supervisor Bill Campbell asked Hutchens what she took away from the all-day BOS meeting on CCW's the week earlier. Among other remarks where she basically hid behind the bad legal advice she got, she also announced: "Until we get to some resolution on this specific issue, I will not be revoking any permits until we can resolve this, so we'll stay those revocations until that time." After follow-up inquiry from Supervisor Norby, Hutchens clarified that the freeze applies only to revocations related to a CCW's holder's failure to meet the new, more stringent "good cause" standards. Sheriff Hutchens has also written to General Jerry Brown to "please review its practices and evaluate alternate means of denoting a change of CCW license status in the DOJ's official criminal and firearms databases, where the local issuing agency revokes an existing license due to an absence of articulatable good cause only. This effort is necessary to uphold the reputation and credentials of good and upstanding citizens of this state."

That's a good start, but the legal position Hutchens is taking is indefensible and attacks all the liberal CCW issuance policies in

California. It cannot stand. NRA/CRPA lawyers are working on getting it rejected. And these CCWs are still going to expire, even if not revoked.

Sheriff Hutchens is quite likely relying on political advice from advisors from her native Los Angeles County. But adopting an LA County approach in Orange County is as dumb as the bad legal advice she's getting. Hutchens seems hell-bent serving only a short-term interim role as Sheriff. Her actions will have ramifications in the election in 2010. She needs to realize that lives are on the line; real families, real unarmed victims. There were no problems under the Carona CCW policy. It worked, don't fix it.

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