

HOW DO I RECOVER A FIREARM IN THE POSSESSION OF LAW ENFORCEMENT?

- Obtain the authorization for release of the firearm from Tehama County Sheriff's Office investigating officer or from the District Attorney's Office.
- Complete a [Law Enforcement Gun Release Application](#) with the California Department of Justice to determine your eligibility to possess the firearm.
- Confirm that the DOJ ownership records for the firearm are in your name, and/or file a Firearm Ownership Record application with the department of justice.
- Upon issuance of a DOJ firearm clearance letter, make an appointment with the Property and Evidence unit by calling (530) 529-7906.
- Present your clearance letter at the appointment with photo government identification.

WHAT IS THE LAW ENFORCEMENT GUN RELEASE (LEGR) PROGRAM, AND HOW DO I SUBMIT AN APPLICATION?

- You must follow the Law Enforcement Gun Release (LEGR) Program required by the State of California Department of Justice (DOJ). There are no exceptions.
- Submission requirements and processing fees are available on the [Law Enforcement Gun Release Application](#).
- To recover your firearm, you must complete a Law Enforcement Gun Release (LEGR) Application, and
 1. Send the application along with the appropriate processing fee to the Department of Justice.
 2. The processing fee for a [Law Enforcement Gun Release Application](#) is listed on the application. (See the DOJ website for the fee amounts. You must pay an amount for the first firearm (long gun or handgun), and a lesser amount for each additional firearm.)
 3. If your firearm was submitted into evidence at the court during trial, you may have to recover the firearm from the court.
 - If the court or the Tehama County Sheriff's Office determines that the firearm was reported stolen, the fee for the stolen firearm(s) will be waived.
 - You must send documentation from the court or the Tehama County Sheriff's Office to DOJ confirming that the firearm was reported stolen along with the [Law Enforcement Gun Release Application](#) to qualify for the fee waiver. (See DOJ website for the full details of this process)
- When DOJ receives your Law Enforcement Gun Release Application, DOJ will conduct a firearms eligibility check to determine if you are lawfully eligible to possess firearms.
- Typical DOJ processing time for a [Law Enforcement Gun Release Application](#) is four to six weeks.
- You will receive a notice of the results. If this notice states that you are eligible to possess firearms, you may take the notice to the court or to the Tehama County Sheriff's Office to claim your firearm.
- The approval notice must be presented to the court or the Tehama County Sheriff's Office within thirty (30) days of the date of notice. Failure to do so will result in the need to submit a new application and fees to undergo another firearms eligibility check.
- You may obtain a LEGR application and instructions from the DOJ website. See the following url links:

<http://ag.ca.gov/firearms/>

<http://ag.ca.gov/firearms/legrinfo.php>

<http://ag.ca.gov/firearms/forms/pdf/legr.pdf>

- Firearms will be released only to the registered owner of the firearm with valid government identification.
- You must confirm that the DOJ ownership record of the firearm is in your name.
- The Tehama County Sheriff's Office or the court may not release a handgun to a person unless the handgun is recorded in DOJ records in the name of the person who seeks its return. (PC 12021.3(b)(2)).
- The submission of the LEGR application for a handgun will not change the ownership records of the handgun.
 - The name of the handgun owner can only be changed by a transfer transaction performed by a licensed firearms dealer.
 - In unusual cases where a dealer transfer is not required, you change the ownership information by submitting a Firearm Ownership Record to the Department of Justice.
 - Obtain a Firearm Ownership Record application at <http://ag.ca.gov/firearms/forms>
- An additional check will be made when you arrive at the Tehama County Sheriff's Office to claim the firearm. This final check is to ensure that there has not been a change to your record since the DOJ check.

ARE THERE SPECIAL CIRCUMSTANCES FOR THE RELEASE OF WEAPONS RELATED TO DOMESTIC VIOLENCE OR MENTAL ILLNESS?

YES

FIREARMS AND WEAPONS SEIZED AT DOMESTIC VIOLENCE SCENES PER PENAL CODE 12028.5

- Firearms and other weapons confiscated and held pursuant to Penal Code 12028.5 related to domestic violence have special requirements for release.
- Penal Code 12028.5 states that no firearm or other deadly weapon shall be held less than forty-eight (48) hours.
- If the sheriff's office has reasonable cause to believe that the return of the firearm or weapon would likely endanger the victim or reporting party of the assault or threat, the sheriff's office may initiate a petition to the superior court within 60 days of the seizure to request that the firearm not be returned. See PC 12028.5 for more information.
- If the firearm is not retained as evidence related to criminal charges for the domestic violence incident or is not retained because it was illegally possessed, the firearms may be returned to you subject to the requirements of the DOJ LEGR Program (PC 12021.3)

FIREARMS AND WEAPONS SEIZED PURSUANT TO WELFARE AND INSTITUTIONS CODES 5150/8102

- Firearms and other weapons confiscated and held pursuant to your inability to care for your safety or the safety of others (mental health issues) have special requirements for release.
- If you are committed to a mental health facility, prior to, or concurrent with, your discharge, the facility will inform you that you are prohibited from owning, possessing, controlling, receiving, or purchasing any firearm for a period of five years.
- You may request a hearing from a court for an order permitting you to own, possess, control, receive, or purchase a firearm. (See Welfare and Institutions Codes 8102 and 8103 for more information.)
- If the sheriff's office believes that the release of the firearms confiscated from you pursuant to Welfare and Institutions Code 8102 may endanger you or others, it may make a report of the details surrounding the confiscation of these items and give it to the District Attorney's Office. The District Attorney's Office must file a petition within 30 to 60 days of the incident, alleging that the return of these items would be likely to result in endangering you or others, or the items must be returned to you, if you are not prohibited from possessing firearms.
- If the prosecuting agency does file such a petition, you have the right to a hearing on the question of whether returning these firearms would in fact be likely to result in endangering you or others.
- A copy of the prosecuting agency's petition will be mailed to you; if you wish to request a hearing you must notify the clerk of the court within 30 days of the filing date of the prosecuting agency's petition.
- The clerk will then set a date and time for the hearing and notification will be mailed to you.

WHAT HAPPENS TO MY FIREARMS IF I AM NO LONGER ALLOWED TO POSSESS THEM ACCORDING TO THE DEPARTMENT OF JUSTICE?

- Firearms held for safekeeping and not claimed within 180 days are eligible for disposal in accordance with Penal Code 12021.3(g).
- If the owner is prohibited from ownership and the firearm is not illegal, he/she may sell/transfer the firearm to a licensed firearms dealer.