

## **Training Bulletin 2007-06**

Date: March 13, 2007  
To: All Personnel  
Subject: **FIREARMS – OPEN CARRY**

### **Background**

There have been recent assertions that officers are giving conflicting advice regarding peaceable open carry of a firearm in a holster. Please note the following points regarding this topic:

### **General Rules for Possession of Firearms**

Assuming there are no other prohibitions, e.g. convicted felon:

- Can possess a firearm if 18 years old or older<sup>1</sup> and a U.S. citizen.  
*Note: Non-U.S. citizens can possess if from some Canadian provinces or if the person has an Alien Firearm License.*
- Cannot possess a machine gun, short-barreled shotgun or short-barreled rifle, or parts for these weapons.  
*Note: Exceptions are police officers, military, or federally licensed.*
- Cannot possess a silencer.

### **Pistols**

- Cannot possess a concealed pistol outside the home or fixed place of business without a concealed pistol license (CPL).
- Can possess a visible pistol without a CPL.
- Cannot have a loaded pistol in a car without a CPL *and* pistol is on the licensee's person, or licensee is in the car at all times with the pistol, or pistol is locked inside and out of view if licensee is out of the car.
- Cannot leave an unloaded pistol in a car unless it is locked inside and out of view.

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<sup>1</sup> There are limited exceptions, for example military, National Guard, or reserves

## **Unlawful Use of Weapons to Intimidate Another**

- Notwithstanding a person's general ability to have a visible pistol on his/her person, officers should consider whether the person is carrying the weapon under circumstances warranting alarm for the safety of others.
  - The gross misdemeanor crime of Unlawful Use of Weapons to Intimidate Another (EMC 10.78.020) is committed when someone carries, exhibits, displays or draws any weapon apparently capable of producing bodily harm in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.
  - Exceptions to EMC 10.78.020 are as follows:
    - ✓ The person is in his/her place of abode or fixed place of business;
    - ✓ The person has a legal duty to preserve public safety and is performing that duty;
    - ✓ The person is acting in defense of himself/herself or in defense of another;
    - ✓ The person is making or assisting in a lawful felony arrest;
    - ✓ The person is engaged in federal or state-sponsored military activities.

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JAMES I. SCHARF  
Chief of Police

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