

AMENDED IN SENATE JUNE 25, 2013

AMENDED IN ASSEMBLY MAY 8, 2013

AMENDED IN ASSEMBLY APRIL 2, 2013

AMENDED IN ASSEMBLY MARCH 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 703

Introduced by Assembly Member Hall

(Coauthor: Senator Knight)

February 21, 2013

An act to amend Sections ~~16690~~, 25450, 25900, and 26300 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 703, as amended, Hall. Peace officers: firearms.

~~(1) Existing law defines "honorably retired" for purposes of certain provisions of law involving the carrying of concealed weapons as a peace officer who has qualified for, and has accepted, a service or disability retirement.~~

This bill would instead define "honorably retired" for these purposes as a peace officer who has met his or her department's years of service requirement, or has accepted a separation of service or disability retirement.

~~(2)~~

~~(1) Existing law requires a retired peace officer who was authorized to, and did, carry a firearm during the course and scope of employment as a peace officer to have an endorsement on his or her identification certificate stating that the issuing agency approves of the officer's~~

carrying of a concealed and loaded firearm. *Existing law provides that a retired peace officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency. Existing law permits an identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement on the certificate to be immediately and temporarily revoked by the issuing agency when the conduct of a retired peace officer compromises public safety.*

This bill would make these provisions applicable to a retired reserve officer if the retired reserve officer ~~satisfies the above requirement, carried a firearm during the course and scope of his or her appointment,~~ was a level I reserve officer, and served in the aggregate the minimum amount of time as specified by the retiree's agency's policy as a level I reserve peace officer. The bill would prohibit the policy from setting an aggregate term requirement that is less than 10 years or more than 20 years. *The bill would prohibit service as a reserve officer, other than a level I reserve officer prior to January 1, 1997, from counting toward that aggregate term requirement. The bill would authorize a law enforcement agency to revoke or deny an endorsement issued to a retired reserve peace officer.*

(3)

(2) Under existing law, the prohibitions on carrying a concealed weapon and on carrying a loaded firearm do not apply to honorably retired peace officers who were authorized to carry firearms during the course and scope of their employment as peace officers.

This bill would state that the above exemption applies to honorably retired peace officers who were authorized to carry firearms during the course and scope of their appointment, *rather than employment,* as peace officers.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 16690 of the Penal Code is amended to~~
2 ~~read:~~
3 ~~16690. As used in Sections 25650 and 26020, Article 2~~
4 ~~(commencing with Section 25450) of Chapter 2 of Division 5 of~~

1 Title 4, and Article 3 (commencing with Section 25900) of Chapter
2 3 of Division 5 of Title 4, “honorably retired” includes any peace
3 officer who has met his or her department’s years of service
4 requirement, or has accepted a separation of service or disability
5 retirement. As used in those provisions, “honorably retired” does
6 not include an officer who has agreed to a service retirement in
7 lieu of termination.

8 ~~SEC. 2.~~

9 *SECTION 1.* Section 25450 of the Penal Code is amended to
10 read:

11 25450. As provided in this article, Section 25400 does not
12 apply to, or affect, any of the following:

13 (a) Any peace officer, listed in Section 830.1 or 830.2, or
14 subdivision (a) of Section 830.33, whether active or honorably
15 retired.

16 (b) Any other duly appointed peace officer.

17 (c) Any honorably retired peace officer listed in subdivision (c)
18 of Section 830.5.

19 (d) Any other honorably retired peace officer who during the
20 course and scope of his or her appointment as a peace officer was
21 authorized to, and did, carry a firearm.

22 (e) Any full-time paid peace officer of another state or the
23 federal government who is carrying out official duties while in
24 California.

25 (f) Any person summoned by any of these officers to assist in
26 making arrests or preserving the peace while the person is actually
27 engaged in assisting that officer.

28 ~~SEC. 3.~~

29 *SEC. 2.* Section 25900 of the Penal Code is amended to read:

30 25900. As provided in this article, Section 25850 does not
31 apply to any of the following:

32 (a) Any peace officer, listed in Section 830.1 or 830.2, or
33 subdivision (a) of Section 830.33, whether active or honorably
34 retired.

35 (b) Any other duly appointed peace officer.

36 (c) Any honorably retired peace officer listed in subdivision (c)
37 of Section 830.5.

38 (d) Any other honorably retired peace officer who during the
39 course and scope of his or her appointment as a peace officer was
40 authorized to, and did, carry a firearm.

1 (e) Any full-time paid peace officer of another state or the
2 federal government who is carrying out official duties while in
3 California.

4 (f) Any person summoned by any of these officers to assist in
5 making arrests or preserving the peace while the person is actually
6 engaged in assisting that officer.

7 ~~SEC. 4.~~

8 *SEC. 3.* Section 26300 of the Penal Code is amended to read:

9 26300. (a) Any peace officer listed in Section 830.1 or 830.2
10 or subdivision (c) of Section 830.5 who retired prior to January 1,
11 1981, is authorized to carry a concealed and loaded firearm if the
12 agency issued the officer an identification certificate and the
13 certificate has not been stamped as specified in Section 25470.

14 (b) Any peace officer employed by an agency and listed in
15 Section 830.1 or 830.2 or subdivision (c) of Section 830.5 who
16 retired after January 1, 1981, shall have an endorsement on the
17 officer's identification certificate stating that the issuing agency
18 approves the officer's carrying of a concealed and loaded firearm.

19 (c) (1) Any peace officer not listed in subdivision (a) or (b)
20 who was authorized to, and did, carry a firearm during the course
21 and scope of his or her appointment as a peace officer shall have
22 an endorsement on the officer's identification certificate stating
23 that the issuing agency approves the officer's carrying of a
24 concealed and loaded firearm.

25 (2) This subdivision applies to a retired reserve officer if the
26 retired reserve officer satisfies the requirements of paragraph (1),
27 was a level I reserve officer as described in paragraph (1) of
28 subdivision (a) of Section 832.6, and he or she served in the
29 aggregate the minimum amount of time as specified by the retiree's
30 agency's policy as a level I reserve officer, provided that the policy
31 shall not set an aggregate term requirement that is less than 10
32 years or more than 20 years. *Service as a reserve officer, other*
33 *than a level I reserve officer prior to January 1, 1997, shall not*
34 *count toward the accrual of time required by this section. A law*
35 *enforcement agency shall have the discretion to revoke or deny*
36 *an endorsement issued under this subdivision pursuant to Section*
37 *26305.*

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