

**ASSEMBLY BILL**

**No. 1322**

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**Introduced by Assembly Member Negrete McLeod**

February 23, 2001

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An act to amend Section 50081 of the Government Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1322, as introduced, Negrete McLeod. Peace officers: equipment.

(1) Existing law requires local agencies to furnish each newly hired full-time police officer and deputy sheriff with specified safety equipment to the extent that funds have been made available by the Legislature. Existing law also recommends that local agencies provide other items, including protective vests, to those peace officers although the local agencies are not reimbursed for providing those items.

This bill would require that the required items be furnished to each full-time police officer and deputy sheriff, and would include protective vests meeting specified standards in the required items, rather than in the recommended items, thereby imposing a state-mandated local program on local agencies.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 50081 of the Government Code is  
2 amended to read:

3 50081. (a) (1) To the extent that funds have been made  
4 available to a local agency pursuant to Section 50082, the  
5 legislative body of a local agency shall furnish each ~~newly hired~~  
6 police officer and deputy sheriff employed full time by the local  
7 agency with a service revolver or other suitable pistol, holster, belt  
8 and ammunition, a nightstick, handcuffs, raincoats, ~~and~~ rainboots,  
9 *and protective vests.*

10 (2) *The protective vests furnished pursuant to paragraph (1)*  
11 *shall meet, at a minimum, Threat Level II Standards as*  
12 *recommended by the National Institute of Justice’s Standard*  
13 *0101.03.*

14 (b) The following items are recommended to be provided by  
15 local agencies but are not reimbursable pursuant to Section 50082:

- 16 (1) Offduty holster.
- 17 (2) Whistle.
- 18 (3) Flashlight, flashlight batteries, and flashlight bulb.
- 19 (4) Chemical Mace and chemical Mace holder.
- 20 (5) Utility jacket.
- 21 ~~(6) Protective vest.~~

22 (c) Issued equipment shall remain the property of the local  
23 agency and shall be returned upon request of the local agency.  
24 However, notwithstanding any other law, and as long as the item  
25 is not needed as evidence in a pending criminal or civil action or  
26 investigation, any local agency shall donate the personal effects,  
27 including pistols, revolvers, or other firearms capable of being  
28 concealed upon the person that have been rendered inoperable and  
29 shooting medals, of any police officer or deputy sheriff employed  
30 by the agency who is killed in the line of duty, to the family of the  
31 officer upon the request of the family. The officer’s protective vest,



1 ammunition, and chemical Mace shall not be made available to the  
2 family and shall remain the property of the local agency.

3 (d) Any requirement of a basic firearms safety certificate for  
4 persons who anticipate the transfer of a pistol, revolver, or other  
5 firearm capable of being concealed upon the person shall not apply  
6 to a person to whom an inoperable pistol, revolver, or other firearm  
7 capable of being concealed upon the person is donated pursuant to  
8 this section.

9 SEC. 2. Notwithstanding Section 17610 of the Government  
10 Code, if the Commission on State Mandates determines that this  
11 act contains costs mandated by the state, reimbursement to local  
12 agencies and school districts for those costs shall be made pursuant  
13 to Part 7 (commencing with Section 17500) of Division 4 of Title  
14 2 of the Government Code. If the statewide cost of the claim for  
15 reimbursement does not exceed one million dollars (\$1,000,000),  
16 reimbursement shall be made from the State Mandates Claims  
17 Fund.

