

**ASSEMBLY BILL**

**No. 2463**

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**Introduced by Assembly Member La Suer**

February 21, 2002

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An act to amend Section 12027.1 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2463, as introduced, La Suer. Firearms: concealed weapons permits.

Existing law provides a procedure for retired peace officers to obtain a permit to carry a concealed and loaded firearm. The privilege of carrying a concealed and loaded firearm may be revoked or denied, for good cause, as determined by a hearing board, as specified.

This bill would authorize a retired peace officer to recover reasonable attorney's fees as the prevailing party in an appeal of a hearing board decision that is appealed to superior court.

By requiring local law enforcement entities to pay for attorneys' fees if the retired officer prevails in superior court, this bill would impose a state-mandated local program.

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

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

1 SECTION 1. Section 12027.1 of the Penal Code is amended  
2 to read:  
3 12027.1. (a) (1) (A) (i) Any peace officer employed by an  
4 agency and listed in Section 830.1 or 830.2 or subdivision (c) of

1 Section 830.5 who retired after January 1, 1981, shall have an  
2 endorsement on the identification certificate stating that the  
3 issuing agency approves the officer's carrying of a concealed and  
4 loaded firearm.

5 (ii) Any peace officer listed in Section 830.1 or 830.2 or  
6 subdivision (c) of Section 830.5 who retired prior to January 1,  
7 1981, is authorized to carry a concealed and loaded firearm if the  
8 agency issued the officer an identification certificate and the  
9 certificate has not been stamped as specified in paragraph (2) of  
10 subdivision (a) of Section 12027.

11 (iii) Peace officers not listed in clause (i) or (ii) who were  
12 authorized to, and did, carry firearms during the course and scope  
13 of their employment as peace officers, shall have an endorsement  
14 on the identification certificate stating that the issuing agency  
15 approves the officer's carrying of a concealed and loaded firearm.

16 (B) An identification certificate authorizing the officer to carry  
17 a concealed and loaded firearm or an endorsement on the  
18 certificate may be revoked or denied by the issuing agency only  
19 upon a showing of good cause. Good cause shall be determined at  
20 a hearing, as specified in subdivision (d).

21 (2) A retired peace officer may have his or her privilege to carry  
22 a concealed and loaded firearm revoked or denied by violating any  
23 departmental rule, or state or federal law that, if violated by an  
24 officer on active duty, would result in that officer's arrest,  
25 suspension, or removal from the agency.

26 (b) (1) An identification certificate authorizing the officer to  
27 carry a concealed and loaded firearm or an endorsement may be  
28 revoked or denied by the issuing agency only upon a showing of  
29 good cause. Good cause shall be determined at a hearing, as  
30 specified in subdivision (d).

31 (2) An identification certificate authorizing the officer to carry  
32 a concealed and loaded firearm or an endorsement may be revoked  
33 only after a hearing, as specified in subdivision (d). Any retired  
34 peace officer whose identification certificate authorizing the  
35 officer to carry a concealed and loaded firearm or an endorsement  
36 is to be revoked shall have 15 days to respond to the notice of the  
37 hearing. Notice of the hearing shall be served either personally on  
38 the retiree or sent by first-class mail, postage prepaid, return  
39 receipt requested to the retiree's last known place of residence.  
40 Upon the date the agency receives the signed registered receipt or



1 upon the date the notice is served personally on the retiree, the  
2 retiree shall have 15 days to respond to the notification. A retired  
3 peace officer who fails to respond to the notice of the hearing shall  
4 forfeit his or her right to respond.

5 (3) An identification certificate authorizing the officer to carry  
6 a concealed and loaded firearm or an endorsement may be denied  
7 prior to a hearing. If a hearing is not conducted prior to the denial  
8 of an endorsement, a retired peace officer, within 15 days of the  
9 denial, shall have the right to request a hearing. A retired peace  
10 officer who fails to request a hearing pursuant to this paragraph  
11 shall forfeit his or her right to the hearing.

12 (c) A retired peace officer, when notified of the revocation of  
13 his or her privilege to carry a concealed and loaded firearm, after  
14 the hearing, or upon forfeiting his or her right to a hearing, shall  
15 immediately surrender to the issuing agency his or her  
16 identification certificate. The issuing agency shall reissue a new  
17 identification certificate without an endorsement. However, if the  
18 peace officer retired prior to January 1, 1981, and was at the time  
19 of his or her retirement a peace officer listed in Section 830.1 or  
20 830.2 or subdivision (c) of Section 830.5, the issuing agency shall  
21 stamp on the identification certificate “No CCW privilege.”

22 (d) (1) Any hearing conducted under this section shall be held  
23 before a three-member hearing board. One member of the board  
24 shall be selected by the agency and one member shall be selected  
25 by the retired peace officer or his or her employee organization.  
26 The third member shall be selected jointly by the agency and the  
27 retired peace officer or his or her employee organization.

28 (2) Any decision by the board shall be binding on the agency  
29 and the retired peace officer.

30 (3) *The retired peace officer shall be entitled to recover*  
31 *reasonable attorney’s fees from the issuing agency if the officer is*  
32 *the prevailing party in an appeal of a hearing board decision that*  
33 *is appealed to superior court.*

34 (e) No peace officer who is retired after January 1, 1989,  
35 because of a psychological disability shall be issued an  
36 endorsement to carry a concealed and loaded firearm pursuant to  
37 this section.

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