

AMENDED IN SENATE APRIL 17, 2006  
AMENDED IN ASSEMBLY JANUARY 24, 2006  
AMENDED IN ASSEMBLY JANUARY 13, 2006  
AMENDED IN ASSEMBLY JANUARY 4, 2006  
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 814**

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**Introduced by Assembly Member Cogdill**

February 18, 2005

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An act to amend Sections 12027, 12027.1, and 12031 of, and to add Section 12027.2 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 814, as amended, Cogdill. Firearms: peace officers: concealed weapons.

Existing law regulates the carrying of concealed firearms, including providing various exemptions and disqualifications with regard to retired peace officers.

This bill would conform state law regarding regulating the carrying of concealed firearms by retired California peace officers, and by peace officers and retired peace officers from other jurisdictions while in California, to federal law. The bill would authorize law enforcement agencies to establish a course of training that meets certain criteria with regard to peace officers of California law enforcement entities and retired peace officers, as specified. The bill would revise existing endorsement procedures for retired California peace officers to obtain a certificate relative to carrying a concealed firearm, to require specified firearms proficiency testing, and to

require statements by the retired peace officer made under penalty of perjury. The bill would require retired peace officers to be tested by California law enforcement agencies, as specified, in order to meet the prescribed firearms proficiency test.

By authorizing a statement to be made under penalty of perjury, this bill would expand the scope of an existing crime, and thereby impose a state-mandated local program.

The bill would require qualified retired law enforcement officers who retired from non-California law enforcement agencies, who permanently reside in California, and who intend to carry a concealed firearm to notify the sheriff of the county of residence that the retired officer intends to carry a concealed firearm. The notification would include an affirmation under penalty of perjury that the officer is a qualified retired peace officer, as specified. Violation of the notification provisions would be an infraction.

By expanding the offense of perjury, and by creating a new infraction, this bill would impose a state-mandated local program.

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.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 12027 of the Penal Code is amended to
- 2 read:
- 3 12027. Section 12025 does not apply to, or affect, any of the
- 4 following:
- 5 (a) Duly appointed peace officers listed in Chapter 4.5
- 6 (commencing with Section 830) of Title 3 of Part 2 who are
- 7 authorized to carry firearms ~~during the performance of their~~
- 8 ~~duties as peace officers~~, full-time paid peace officers of other

1 states and the federal government who are carrying out official  
2 duties while in California, or any person summoned by any of  
3 these officers to assist in making arrests or preserving the peace  
4 while he or she is actually engaged in assisting that officer. *No*  
5 *part of this subdivision is intended to in any way limit the right of*  
6 *any California peace officer to carry a concealed firearm while*  
7 *off duty.*

8 (b) The possession or transportation of unloaded pistols,  
9 revolvers, or other firearms capable of being concealed upon the  
10 person as merchandise by a person who is engaged in the  
11 business of manufacturing, importing, wholesaling, repairing, or  
12 dealing in firearms and who is licensed to engage in that business  
13 or the authorized representative or authorized agent of that  
14 person while engaged in the lawful course of the business.

15 (c) Members of the Army, Navy, Air Force, Coast Guard, or  
16 Marine Corps of the United States, or the National Guard, when  
17 on duty, or organizations which are by law authorized to  
18 purchase or receive those weapons from the United States or this  
19 state.

20 (d) The carrying of unloaded pistols, revolvers, or other  
21 firearms capable of being concealed upon the person by duly  
22 authorized military or civil organizations while parading, or the  
23 members thereof when going to and from the places of meeting  
24 of their respective organizations.

25 (e) Guards or messengers of common carriers, banks, and  
26 other financial institutions while actually employed in and about  
27 the shipment, transportation, or delivery of any money, treasure,  
28 bullion, bonds, or other thing of value within this state.

29 (f) Members of any club or organization organized for the  
30 purpose of practicing shooting at targets upon established target  
31 ranges, whether public or private, while the members are using  
32 pistols, revolvers, or other firearms capable of being concealed  
33 upon the person upon the target ranges, or transporting these  
34 firearms unloaded when going to and from the ranges.

35 (g) Licensed hunters or fishermen carrying pistols, revolvers,  
36 or other firearms capable of being concealed upon the person  
37 while engaged in hunting or fishing, or transporting those  
38 firearms unloaded when going to or returning from the hunting or  
39 fishing expedition.

1 (h) Transportation of unloaded firearms by a person operating  
2 a licensed common carrier or an authorized agent or employee  
3 thereof when transported in conformance with applicable federal  
4 law.

5 (i) The carrying of a pistol, revolver, or other firearm capable  
6 of being concealed upon the person by a person who is  
7 authorized to carry that weapon in a concealed manner pursuant  
8 to Article 3 (commencing with Section 12050).

9 SEC. 2. Section 12027.1 of the Penal Code is amended to  
10 read:

11 12027.1. (a) (1) (A) (i) Any person who honorably retired  
12 as a peace officer who was authorized to, and did, carry firearms  
13 during the course and scope of their appointment as a peace  
14 officer in California, shall have an endorsement on their  
15 identification certificate stating that their issuing agency  
16 approves of the honorably retired officers' carrying of a  
17 concealed and loaded handgun. *The identification certificate*  
18 *shall be a two by three inch card bearing the photograph of the*  
19 *retiree, the retiree's name, address, date of birth, date of*  
20 *retirement, name and address of the agency from which the*  
21 *retiree retired, be stamped with "CCW Approved" and the date*  
22 *the endorsement is to be renewed. For purposes of this section*  
23 *and Section 12031, "CCW" means "carry concealed weapons."*  
24 The Department of Justice shall provide subsequent arrest  
25 notification pursuant to Section 11105.2 and subsequent firearm  
26 prohibition information of the type described in Section 832.15  
27 regarding honorably retired peace officers to the agency from  
28 which the officer has retired.

29 (ii) Any person honorably retired as a peace officer listed in  
30 Section 830.1 or 830.2 or subdivision (c) of Section 830.5 who  
31 retired prior to January 1, 1981, is authorized to carry a  
32 concealed and loaded firearm if the agency issued the officer an  
33 identification certificate and the certificate has not been stamped  
34 as specified in subdivision (c) of Section 830.5.

35 (iii) An individual who honorably retired as a peace officer  
36 listed in subdivision (c) of Section 830.5 and authorized to carry  
37 a concealed and loaded handgun shall meet the training required  
38 of Section 832 and shall qualify with the firearm at least  
39 annually. The individual retired peace officer shall be responsible  
40 for maintaining his or her eligibility to carry a concealed and

1 loaded handgun. The Department of Justice shall provide  
2 subsequent arrest notification pursuant to Section 11105.2 and  
3 subsequent firearm prohibition information of the type described  
4 in Section 832.15 regarding honorably retired peace officers  
5 listed in subdivision (c) of Section 830.5 to the agency from  
6 which the officer has retired.

7 (iv) An honorably retired peace officer, except as listed in  
8 Section 830.1, 830.2 or subdivision (c) of Section 830.5, who  
9 retired prior to January 1, 1981, shall petition the issuing  
10 California agency for renewal of his or her privilege to carry a  
11 concealed handgun every five years.

12 (v) As used in this section and in Section 12031, an  
13 “honorably retired peace officer” is a person who has honorably  
14 separated from service as a peace officer with a law enforcement  
15 agency in California pursuant to an established written policy of  
16 that agency. The written policy shall require, at a minimum, a  
17 total of 15 years of service as a peace officer or law enforcement  
18 officer with one or more federal, state, or local agencies, or  
19 retirement due to a service-connected disability. Any person who  
20 agreed to retirement in lieu of termination is excluded from this  
21 definition of “honorably retire.”

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

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

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

37 (2) An identification certificate authorizing the officer to carry  
38 a concealed and loaded firearm or an endorsement may be  
39 revoked only after a hearing, as specified in subdivision (d). Any  
40 retired peace officer whose identification certificate authorizing

1 the officer to carry a concealed and loaded firearm or an  
2 endorsement is to be revoked shall have 15 days to respond to the  
3 notice of the hearing. Notice of the hearing shall be served either  
4 personally on the retiree or sent by first-class mail, postage  
5 prepaid, return receipt requested to the retiree's last known place  
6 of residence. Upon the date the agency receives the signed  
7 registered receipt or upon the date the notice is served personally  
8 on the retiree, the retiree shall have 15 days to respond to the  
9 notification. A retired peace officer who fails to respond to the  
10 notice of the hearing shall forfeit his or her right to respond.

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

18 (c) A retired peace officer, when notified of the revocation of  
19 his or her privilege to carry a concealed and loaded firearm, after  
20 the hearing, or upon forfeiting his or her right to a hearing, shall  
21 immediately surrender to the issuing agency his or her  
22 identification certificate. The issuing agency shall reissue a new  
23 identification certificate without an endorsement. However, if the  
24 peace officer retired prior to January 1, 1981, and was at the time  
25 of his or her retirement a peace officer listed in Section 830.1 or  
26 830.2 or subdivision (c) of Section 830.5, the issuing agency  
27 shall stamp on the identification certificate "No CCW privilege."

28 (d) Any hearing conducted under this section shall be held  
29 before a three-member hearing board. One member of the board  
30 shall be selected by the agency and one member shall be selected  
31 by the retired peace officer or his or her employee organization.  
32 The third member shall be selected jointly by the agency and the  
33 retired peace officer or his or her employee organization.

34 Any decision by the board shall be binding on the agency and  
35 the retired peace officer.

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

40 SEC. 3. Section 12027.2 is added to the Penal Code, to read:

1 ~~12027.2.—~~

2 (a) ~~Law enforcement agencies may qualify peace officers and~~  
3 ~~honorably retired peace officers in order to satisfy the~~  
4 ~~requirements of the Sections 926B and 926C of Title 18 of the~~  
5 ~~United States Code, by establishing a~~

6 *12027.2. (a) Duly appointed peace officers who are*  
7 *authorized to carry firearms during the performance of their*  
8 *duties as peace officers shall qualify at least annually with their*  
9 *agency authorized type of weapon at a place designated by their*  
10 *department. The course of fire for this qualification shall be*  
11 *determined by the agency and shall not be less demanding than*  
12 *the requirements of subdivision (b). The testing agency may*  
13 *charge a fee necessary to cover any reasonable expenses*  
14 *incurred by the agency in qualifying individuals pursuant to this*  
15 *subdivision.*

16 (b) *In order to satisfy the requirements of Section 926C of*  
17 *Title 18 of the United States Code, law enforcement agencies that*  
18 *elect to qualify honorably retired peace officers shall establish a*  
19 *course of fire which meets or exceeds the following standards:*

20 (1) *The qualifier can safely load, unload, and check the*  
21 *firearm to verify that it is clear of all ammunition.*

22 (2) *The qualifier can load and fire five rounds into a silhouette*  
23 *target at a distance of five to seven yards.*

24 (3) *The qualifier can reload and fire an additional five rounds*  
25 *into a silhouette target at a distance of five to seven yards.*

26 (4) *At least six bullets fired must impact within the scored*  
27 *portion of the silhouette target.*

28 ~~(b)~~

29 (c) *Any law enforcement agency that tests or qualifies any*  
30 *person under ~~subsection~~ subdivision (b) shall be immune from*  
31 *civil liability associated with allowing that testing or qualifying*  
32 *to occur, and any liability arising out of the issuance of a*  
33 *certificate of qualification, if, before testing, the person to be*  
34 *tested presents the following:*

35 (1) *An affidavit or declaration under penalty of perjury*  
36 *itemizing each of the requirements of subsections (1) to (4),*  
37 *inclusive, and subsections (6) and (7) of subdivision (c) of*  
38 *Section 926C of Title 18 of the United States Code, and stating*  
39 *that he or she meets each of those requirements.*

1 (2) A facially valid photographic identification that has been  
2 issued by the agency from which the individual *retired that* states  
3 that he or she honorably retired from service as a law  
4 enforcement officer.

5 (3) A driver's license or identification card issued by the  
6 ~~California Department of Motor Vehicles~~ *state of residency of*  
7 *the qualifier.*

8 (e)

9 (d) No off-duty or retired law enforcement officer who is  
10 within a class of persons prohibited from possessing or acquiring  
11 a firearm pursuant to Section 12021 or 12021.1 of this code, or  
12 Section 8100 or 8103 of the Welfare and Institutions Code shall  
13 possess a firearm on any public property.

14 (d)

15 (e) For purposes of meeting the state's standards of  
16 qualification requirements pursuant to Section 926C of Title 18  
17 of the United States Code, a retired law enforcement officer shall  
18 arrange with a California law enforcement agency that qualifies  
19 honorably retired peace officers for purposes of Section 926C of  
20 Title 18 of the United States Code, and that employs peace  
21 officers who carry firearms to be tested by that agency. The  
22 retired law enforcement officer is considered to have met the  
23 state's qualification standard if the officer satisfies the  
24 requirements of subdivision (b).

25 (e)

26 (f) (1) Any person who is a qualified retired law enforcement  
27 officer within the meaning of Section 926C of Title 18 of the  
28 United States Code, who retired from a non-California law  
29 enforcement agency, who permanently resides in the State of  
30 California, and who intends to carry a concealed firearm in the  
31 State of California, shall, within 30 days of the operative date of  
32 this subdivision, or within 10 days of coming into, or changing  
33 his or her residence within, the State of California, notify the  
34 sheriff of the county in which he or she resides that he or she  
35 intends to carry a concealed firearm.

36 (2) Notification shall consist of all of the following:

37 (A) A written statement providing the retiree's full name and  
38 the name and address of the law enforcement agency from which  
39 the person retired. If the retiree served less than the requisite  
40 number of years required by Section 926C of Title 18 of the

1 United States Code at the agency from which he retired, the  
2 retiree shall provide the names and addresses of the other  
3 agencies at which the retiree served, and the dates of service for  
4 each agency listed.

5 (B) A photocopy of the identification required by Section  
6 926C of Title 18 of the United States Code.

7 (C) An affirmation under penalty of perjury that the person is  
8 a qualified retired law enforcement officer within the meaning of  
9 Section 926C of Title 18 of the United States Code, and that the  
10 information provided is true and correct.

11 (3) Information obtained pursuant to this subdivision shall not  
12 be considered a public record.

13 (4) A violation of this subdivision is an infraction.

14 SEC. 4. Section 12031 of the Penal Code is amended to read:

15 12031. (a) (1) A person is guilty of carrying a loaded  
16 firearm when he or she carries a loaded firearm on his or her  
17 person or in a vehicle while in any public place or on any public  
18 street in an incorporated city or in any public place or on any  
19 public street in a prohibited area of unincorporated territory.

20 (2) Carrying a loaded firearm in violation of this section is  
21 punishable, as follows:

22 (A) Where the person previously has been convicted of any  
23 felony, or of any crime made punishable by this chapter, as a  
24 felony.

25 (B) Where the firearm is stolen and the person knew or had  
26 reasonable cause to believe that it was stolen, as a felony.

27 (C) Where the person is an active participant in a criminal  
28 street gang, as defined in subdivision (a) of Section 186.22, under  
29 the Street Terrorism Enforcement and Prevention Act (Chapter  
30 11 (commencing with Section 186.20) of Title 7 of Part 1), as a  
31 felony.

32 (D) Where the person is not in lawful possession of the  
33 firearm, as defined in this section, or is within a class of persons  
34 prohibited from possessing or acquiring a firearm pursuant to  
35 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of  
36 the Welfare and Institutions Code, as a felony.

37 (E) Where the person has been convicted of a crime against a  
38 person or property, or of a narcotics or dangerous drug violation,  
39 by imprisonment in the state prison, or by imprisonment in a

1 county jail not to exceed one year, by a fine not to exceed one  
2 thousand dollars (\$1,000), or by both that imprisonment and fine.

3 (F) Where the person is not listed with the Department of  
4 Justice pursuant to Section 11106, as the registered owner of the  
5 pistol, revolver, or other firearm capable of being concealed upon  
6 the person, by imprisonment in the state prison, or by  
7 imprisonment in a county jail not to exceed one year, or by a fine  
8 not to exceed one thousand dollars (\$1,000), or both that fine and  
9 imprisonment.

10 (G) In all cases other than those specified in subparagraphs  
11 (A) to (F), inclusive, as a misdemeanor, punishable by  
12 imprisonment in a county jail not to exceed one year, by a fine  
13 not to exceed one thousand dollars (\$1,000), or by both that  
14 imprisonment and fine.

15 (3) For purposes of this section, “lawful possession of the  
16 firearm” means that the person who has possession or custody of  
17 the firearm either lawfully acquired and lawfully owns the  
18 firearm or has the permission of the lawful owner or person who  
19 otherwise has apparent authority to possess or have custody of  
20 the firearm. A person who takes a firearm without the permission  
21 of the lawful owner or without the permission of a person who  
22 has lawful custody of the firearm does not have lawful  
23 possession of the firearm.

24 (4) Nothing in this section shall preclude prosecution under  
25 Sections 12021 and 12021.1 of this code, Section 8100 or 8103  
26 of the Welfare and Institutions Code, or any other law with a  
27 greater penalty than this section.

28 (5) (A) Notwithstanding paragraphs (2) and (3) of subdivision  
29 (a) of Section 836, a peace officer may make an arrest without a  
30 warrant:

31 (i) When the person arrested has violated this section, although  
32 not in the officer’s presence.

33 (ii) Whenever the officer has reasonable cause to believe that  
34 the person to be arrested has violated this section, whether or not  
35 this section has, in fact, been violated.

36 (B) A peace officer may arrest a person for a violation of  
37 subparagraph (F) of paragraph (2), if the peace officer has  
38 probable cause to believe that the person is carrying a loaded  
39 pistol, revolver, or other firearm capable of being concealed upon  
40 the person in violation of this section and that person is not listed

1 with the Department of Justice pursuant to paragraph (1) of  
2 subdivision (c) of Section 11106 as the registered owner of that  
3 pistol, revolver, or other firearm capable of being concealed upon  
4 the person.

5 (6) (A) Every person convicted under this section who has  
6 previously been convicted of an offense enumerated in Section  
7 12001.6, or of any crime made punishable under this chapter,  
8 shall serve a term of at least three months in a county jail, or, if  
9 granted probation or if the execution or imposition of sentence is  
10 suspended, it shall be a condition thereof that he or she be  
11 imprisoned for a period of at least three months.

12 (B) The court shall apply the three-month minimum sentence  
13 except in unusual cases where the interests of justice would best  
14 be served by granting probation or suspending the imposition or  
15 execution of sentence without the minimum imprisonment  
16 required in this subdivision or by granting probation or  
17 suspending the imposition or execution of sentence with  
18 conditions other than those set forth in this subdivision, in which  
19 case, the court shall specify on the record and shall enter on the  
20 minutes the circumstances indicating that the interests of justice  
21 would best be served by that disposition.

22 (7) A violation of this section which is punished by  
23 imprisonment in a county jail not exceeding one year shall not  
24 constitute a conviction of a crime punishable by imprisonment  
25 for a term exceeding one year for the purposes of determining  
26 federal firearms eligibility under Section 922(g)(1) of Title 18 of  
27 the United States Code.

28 (b) Subdivision (a) shall not apply to any of the following:

29 (1) Duly appointed peace officers who are authorized to carry  
30 firearms, honorably retired peace officers who have the firearm  
31 endorsement issued pursuant to Section 12027.1 or who are  
32 exempt from the endorsement requirement pursuant to Section  
33 12027.1, *qualified law enforcement officers within the meaning*  
34 *of Section 926B of Title 18 of the United States Code*, qualified  
35 retired law enforcement officers within the meaning of Section  
36 926C of Title 18 of the United States Code, who retired from a  
37 non-California law enforcement agency, full-time paid peace  
38 officers of other states and the federal government who are  
39 carrying out official duties while in California, or any person  
40 summoned by any of those officers to assist in making arrests or

1 preserving the peace while the person is actually engaged in  
2 assisting that officer. *No part of this subdivision is intended to in*  
3 *any way limit the right of any California peace officer to carry a*  
4 *concealed firearm off duty.*

5 (2) Members of the military forces of this state or of the  
6 United States engaged in the performance of their duties.

7 (3) Persons who are using target ranges for the purpose of  
8 practice shooting with a firearm or who are members of shooting  
9 clubs while hunting on the premises of those clubs.

10 (4) The carrying of pistols, revolvers, or other firearms  
11 capable of being concealed upon the person by persons who are  
12 authorized to carry those weapons pursuant to Article 3  
13 (commencing with Section 12050) of Chapter 1 of Title 2 of Part  
14 4.

15 (5) Armored vehicle guards, as defined in Section 7521 of the  
16 Business and Professions Code, (A) if hired prior to January 1,  
17 1977, or (B) if hired on or after that date, if they have received a  
18 firearms qualification card from the Department of Consumer  
19 Affairs, in each case while acting within the course and scope of  
20 their employment.

21 (c) Subdivision (a) shall not apply to any of the following who  
22 have completed a regular course in firearms training approved by  
23 the Commission on Peace Officer Standards and Training:

24 (1) Patrol special police officers appointed by the police  
25 commission of any city, county, or city and county under the  
26 express terms of its charter who also, under the express terms of  
27 the charter, (A) are subject to suspension or dismissal after a  
28 hearing on charges duly filed with the commission after a fair  
29 and impartial trial, (B) are not less than 18 years of age or more  
30 than 40 years of age, (C) possess physical qualifications  
31 prescribed by the commission, and (D) are designated by the  
32 police commission as the owners of a certain beat or territory as  
33 may be fixed from time to time by the police commission.

34 (2) The carrying of weapons by animal control officers or  
35 zookeepers, regularly compensated as such by a governmental  
36 agency when acting in the course and scope of their employment  
37 and when designated by a local ordinance or, if the governmental  
38 agency is not authorized to act by ordinance, by a resolution,  
39 either individually or by class, to carry the weapons, or by  
40 persons who are authorized to carry the weapons pursuant to

1 Section 14502 of the Corporations Code, while actually engaged  
2 in the performance of their duties pursuant to that section.

3 (3) Harbor police officers designated pursuant to Section  
4 663.5 of the Harbors and Navigation Code.

5 (d) Subdivision (a) shall not apply to any of the following who  
6 have been issued a certificate pursuant to Section 12033. The  
7 certificate shall not be required of any person who is a peace  
8 officer, who has completed all training required by law for the  
9 exercise of his or her power as a peace officer, and who is  
10 employed while not on duty as a peace officer.

11 (1) Guards or messengers of common carriers, banks, and  
12 other financial institutions while actually employed in and about  
13 the shipment, transportation, or delivery of any money, treasure,  
14 bullion, bonds, or other thing of value within this state.

15 (2) Guards of contract carriers operating armored vehicles  
16 pursuant to California Highway Patrol and Public Utilities  
17 Commission authority (A) if hired prior to January 1, 1977, or  
18 (B) if hired on or after January 1, 1977, if they have completed a  
19 course in the carrying and use of firearms which meets the  
20 standards prescribed by the Department of Consumer Affairs.

21 (3) Private investigators and private patrol operators who are  
22 licensed pursuant to Chapter 11.5 (commencing with Section  
23 7512) of, and alarm company operators who are licensed  
24 pursuant to Chapter 11.6 (commencing with Section 7590) of,  
25 Division 3 of the Business and Professions Code, while acting  
26 within the course and scope of their employment.

27 (4) Uniformed security guards or night watch persons  
28 employed by any public agency, while acting within the scope  
29 and course of their employment.

30 (5) Uniformed security guards, regularly employed and  
31 compensated in that capacity by persons engaged in any lawful  
32 business, and uniformed alarm agents employed by an alarm  
33 company operator, while actually engaged in protecting and  
34 preserving the property of their employers or on duty or en route  
35 to or from their residences or their places of employment, and  
36 security guards and alarm agents en route to or from their  
37 residences or employer-required range training. Nothing in this  
38 paragraph shall be construed to prohibit cities and counties from  
39 enacting ordinances requiring alarm agents to register their  
40 names.

1 (6) Uniformed employees of private patrol operators and  
2 private investigators licensed pursuant to Chapter 11.5  
3 (commencing with Section 7512) of Division 3 of the Business  
4 and Professions Code, while acting within the course and scope  
5 of their employment.

6 (e) In order to determine whether or not a firearm is loaded for  
7 the purpose of enforcing this section, peace officers are  
8 authorized to examine any firearm carried by anyone on his or  
9 her person or in a vehicle while in any public place or on any  
10 public street in an incorporated city or prohibited area of an  
11 unincorporated territory. Refusal to allow a peace officer to  
12 inspect a firearm pursuant to this section constitutes probable  
13 cause for arrest for violation of this section.

14 (f) As used in this section, “prohibited area” means any place  
15 where it is unlawful to discharge a weapon.

16 (g) A firearm shall be deemed to be loaded for the purposes of  
17 this section when there is an unexpended cartridge or shell,  
18 consisting of a case that holds a charge of powder and a bullet or  
19 shot, in, or attached in any manner to, the firearm, including, but  
20 not limited to, in the firing chamber, magazine, or clip thereof  
21 attached to the firearm; except that a muzzle-loader firearm shall  
22 be deemed to be loaded when it is capped or primed and has a  
23 powder charge and ball or shot in the barrel or cylinder.

24 (h) Nothing in this section shall prevent any person engaged in  
25 any lawful business, including a nonprofit organization, or any  
26 officer, employee, or agent authorized by that person for lawful  
27 purposes connected with that business, from having a loaded  
28 firearm within the person’s place of business, or any person in  
29 lawful possession of private property from having a loaded  
30 firearm on that property.

31 (i) Nothing in this section shall prevent any person from  
32 carrying a loaded firearm in an area within an incorporated city  
33 while engaged in hunting, provided that the hunting at that place  
34 and time is not prohibited by the city council.

35 (j) (1) Nothing in this section is intended to preclude the  
36 carrying of any loaded firearm, under circumstances where it  
37 would otherwise be lawful, by a person who reasonably believes  
38 that the person or property of himself or herself or of another is  
39 in immediate, grave danger and that the carrying of the weapon is  
40 necessary for the preservation of that person or property. As used

1 in this subdivision, “immediate” means the brief interval before  
2 and after the local law enforcement agency, when reasonably  
3 possible, has been notified of the danger and before the arrival of  
4 its assistance.

5 (2) A violation of this section is justifiable when a person who  
6 possesses a firearm reasonably believes that he or she is in grave  
7 danger because of circumstances forming the basis of a current  
8 restraining order issued by a court against another person or  
9 persons who has or have been found to pose a threat to his or her  
10 life or safety. This paragraph may not apply when the  
11 circumstances involve a mutual restraining order issued pursuant  
12 to Division 10 (commencing with Section 6200) of the Family  
13 Code absent a factual finding of a specific threat to the person’s  
14 life or safety. It is not the intent of the Legislature to limit,  
15 restrict, or narrow the application of current statutory or judicial  
16 authority to apply this or other justifications to defendants  
17 charged with violating Section 12025 or of committing other  
18 similar offenses.

19 Upon trial for violating this section, the trier of fact shall  
20 determine whether the defendant was acting out of a reasonable  
21 belief that he or she was in grave danger.

22 (k) Nothing in this section is intended to preclude the carrying  
23 of a loaded firearm by any person while engaged in the act of  
24 making or attempting to make a lawful arrest.

25 (l) Nothing in this section shall prevent any person from  
26 having a loaded weapon, if it is otherwise lawful, at his or her  
27 place of residence, including any temporary residence or  
28 campsite.

29 SEC. 5. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution for  
31 certain costs that may be incurred by a local agency or school  
32 district because, in that regard, this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the  
34 penalty for a crime or infraction, within the meaning of Section  
35 17556 of the Government Code, or changes the definition of a  
36 crime within the meaning of Section 6 of Article XIII B of the  
37 California Constitution.

38 However, if the Commission on State Mandates determines  
39 that this act contains other costs mandated by the state,  
40 reimbursement to local agencies and school districts for those

1 costs shall be made pursuant to Part 7 (commencing with Section  
2 17500) of Division 4 of Title 2 of the Government Code.

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