

AMENDED IN SENATE JUNE 18, 2012

AMENDED IN ASSEMBLY MAY 21, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2549

Introduced by Assembly Member Hall

February 24, 2012

An act to amend Section 30630 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as amended, Hall. Firearms: possession of assault weapons: law enforcement officers.

Existing law generally prohibits the possession of an assault weapon, as defined, or a .50 BMG rifle, as defined. Existing law imposes specified penalties for a violation of these provisions, including imprisonment in a county jail for a period not to exceed one year, or a fine, or both imprisonment and a fine, as specified. Existing law does not prohibit the sale, delivery, or transfer of an assault weapon or a .50 BMG rifle to, or the possession of an assault weapon or a .50 BMG rifle by, a sworn peace officer member of a state law enforcement entity if the peace officer is authorized by the officer's employer to possess or receive the assault weapon or the .50 BMG rifle. Existing law defines the required authorization as verifiable written certification from the head of the agency, identifying the recipient or possessor of the assault weapon or the .50 BMG rifle as a peace officer and authorizing that person to receive or possess the specific assault weapon. Existing law also requires the officer to register the weapon, as specified. These requirements do not apply to members of federal law enforcement

agencies who are authorized by their employing agency to possess these weapons.

This bill would require that the written authorization from an officer's employer necessary to exempt the officer from restrictions on the sale, delivery, transfer, or possession of an assault weapon or .50 BMG rifle also include language stating that the use of the assault weapon or .50 BMG rifle is "for law enforcement purposes, whether on or off duty." The bill would require that a peace officer who purchases an assault weapon or .50 BMG rifle pursuant to this provision on or after January 1, 2013, be limited to the purchase of one assault weapon or .50 BMG rifle and would prohibit the peace officer from purchasing another assault weapon or .50 BMG rifle pursuant to this provision unless the peace officer has relinquished his or her possession of the original assault weapon or .50 BMG rifle and transferred registration of the weapon out of his or her name.

The bill would also require a peace officer who lawfully purchased an assault weapon or .50 BMG rifle, *either before or after January 1, 2013*, and properly registered the firearm in his or her name, as required pursuant to the provisions described above, and who has honorably retired, as defined, from the law enforcement agency, to notify the Department of Justice, within 90 days of the date of retirement, of his or her change in status and continued ownership of the assault weapon or .50 BMG rifle. The bill would specify that an honorably retired peace officer who acquired an assault weapon or .50 BMG rifle pursuant to the above provisions and retired prior to January 1, 2013, would not be required to surrender the weapon if he or she provides the notification specified above to the department on or before April 1, 2013. The bill would require the notification to include written documentation from the head of the law enforcement agency from which the officer retired, or a designee of the department head, stating that the officer honorably retired from the agency. The bill would require the Department of Justice to develop a program authorizing a retired officer to file a "change of status" form for purposes of these provisions, and to develop and adopt a form for that purpose. The bill would also authorize the department to charge the retired officer seeking to file that form a fee covering the reasonable cost of providing this service.

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 30630 of the Penal Code is amended to
2 read:

3 30630. (a) Sections 30605 and 30610 shall not prohibit the
4 possession or use of assault weapons or a .50 BMG rifle by sworn
5 peace officer members of those agencies specified in Section 30625
6 for law enforcement purposes, whether on or off duty.

7 (b) (1) Sections 30600, 30605, and 30610 shall not prohibit the
8 sale, delivery, or transfer of an assault weapon or a .50 BMG rifle
9 to, or the possession of an assault weapon or a .50 BMG rifle by,
10 a sworn peace officer member of an agency specified in Section
11 30625 if the peace officer is authorized by the officer's employer
12 to possess or receive the assault weapon or the .50 BMG rifle.
13 Required authorization is defined as verifiable written certification
14 from the head of the agency, identifying the recipient or possessor
15 of the assault weapon as a peace officer and authorizing that person
16 to receive or possess the specific assault weapon. The written
17 authorization shall also include language stating that the use of the
18 assault weapon or .50 BMG rifle is "for law enforcement purposes,
19 whether on or off duty." A peace officer who purchases an assault
20 weapon or .50 BMG rifle pursuant to this section on or after
21 January 1, 2013, shall be limited to the purchase of one assault
22 weapon or .50 BMG rifle and shall not be authorized to purchase
23 another assault weapon or .50 BMG rifle pursuant to this section
24 unless the peace officer has relinquished his or her possession of
25 the original assault weapon or .50 BMG rifle and transferred
26 registration of the weapon out of his or her name.

27 (2) For this exemption to apply, in the case of a peace officer
28 who possesses or receives the assault weapon prior to January 1,
29 2002, the officer shall register the assault weapon on or before
30 April 1, 2002, pursuant to former Section 12285, as it read at any
31 time from when it was enacted by Section 3 of Chapter 19 of the
32 Statutes of 1989, to and including when it was amended by Section
33 9 of Chapter 129 of the Statutes of 1999. In the case of a peace
34 officer who possesses or receives the assault weapon on or after
35 January 1, 2002, the officer shall, not later than 90 days after
36 possession or receipt, register the assault weapon pursuant to
37 Article 5 (commencing with Section 30900), or pursuant to former
38 Section 12285, as it read at any time from when it was amended

1 by Section 9 of Chapter 129 of the Statutes of 1999 to when it was
2 repealed by the Deadly Weapons Recodification Act of 2010. In
3 the case of a peace officer who possesses or receives a .50 BMG
4 rifle on or before January 1, 2005, the officer shall register the .50
5 BMG rifle on or before April 30, 2006. In the case of a peace
6 officer who possesses or receives a .50 BMG rifle after January
7 1, 2005, the officer shall register the .50 BMG rifle not later than
8 one year after possession or receipt.

9 (3) If a peace officer lawfully purchased an assault weapon or
10 .50 BMG rifle pursuant to paragraph (1), *either before or after*
11 *January 1, 2013*, and properly registered the firearm in his or her
12 name, and honorably retired from the law enforcement agency,
13 the officer, within 90 days of the date of his or her retirement, shall
14 notify the Department of Justice of his or her change in status and
15 continued ownership of the assault weapon or .50 BMG rifle. The
16 notification shall include written documentation from the head of
17 the law enforcement agency from which the officer retired, or a
18 designee of the department head, stating that the officer honorably
19 retired from the agency.

20 (4) An honorably retired peace officer who is in possession of
21 an assault weapon or .50 BMG rifle that he or she lawfully
22 purchased pursuant to paragraph (1), and who honorably retired
23 from a law enforcement agency prior to January 1, 2013, shall not
24 be required to surrender the weapon so long as the honorably retired
25 peace officer, on or before April 1, 2013, notifies the Department
26 of Justice of his or her change in status and continued ownership
27 of the assault weapon or .50 BMG rifle.

28 (5) The Department of Justice shall develop a program
29 authorizing a retired officer to file a “change of status” form for
30 purposes of this section, shall develop and adopt a form for that
31 purpose, and may charge the retired officer seeking to file that
32 form a fee covering the reasonable cost of providing this service.

33 (6) With the registration, the peace officer shall include a copy
34 of the authorization required pursuant to this subdivision.

35 (c) Nothing in this article shall be construed to limit or prohibit
36 the sale, delivery, or transfer of an assault weapon or a .50 BMG
37 rifle to, or the possession of an assault weapon or a .50 BMG rifle
38 by, a member of a federal law enforcement agency provided that
39 person is authorized by the employing agency to possess the assault
40 weapon or .50 BMG rifle.

1 (d) As used in this section, “honorably retired” includes all
2 peace officers who have qualified for, and have accepted, a service
3 or disability retirement. “Honorably retired” does not include an
4 officer who has agreed to a service retirement in lieu of termination.

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