

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

February 21, 2013

An act to amend Sections ~~538d~~, 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 authorizes the head of an agency employing certain categories of peace officers to issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states that the person has honorably retired following service as a peace officer from that agency. Existing law also permits these agencies to revoke this identification in the event of misuse or abuse.~~

~~This bill would expand this authorization to any agency listed in certain provisions of law, including the Department of Corrections and Rehabilitation.~~

~~(2)~~

~~(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.

(3)

(2) 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 ~~their~~ *his or her* identification certificate stating that the issuing agency approves of the officer’s carrying of a concealed and loaded firearm.

This bill would make these provisions applicable to a retired reserve officer if the retired reserve officer satisfies the above requirement, was a level I ~~and level H~~ reserve officer, and served ~~at least 15 years~~ in the aggregate *the minimum amount of time as specified by the retiree’s agency’s policy* as a ~~California~~ 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.*

(4)

(3) 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 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 538d of the Penal Code is amended to~~
2 ~~read:~~
3 538d. ~~(a) Any person other than one who by law is given the~~
4 ~~authority of a peace officer, who willfully wears, exhibits, or uses~~
5 ~~the authorized uniform, insignia, emblem, device, label, certificate,~~
6 ~~card, or writing, of a peace officer, with the intent of fraudulently~~
7 ~~impersonating a peace officer, or of fraudulently inducing the~~
8 ~~belief that he or she is a peace officer, is guilty of a misdemeanor.~~
9 ~~(b) (1) Any person, other than the one who by law is given the~~
10 ~~authority of a peace officer, who willfully wears, exhibits, or uses~~
11 ~~the badge of a peace officer with the intent of fraudulently~~
12 ~~impersonating a peace officer, or of fraudulently inducing the~~

1 belief that he or she is a peace officer, is guilty of a misdemeanor
2 punishable by imprisonment in a county jail not to exceed one
3 year, by a fine not to exceed two thousand dollars (\$2,000), or by
4 both that imprisonment and fine.

5 (2) Any person who willfully wears or uses any badge that
6 falsely purports to be authorized for the use of one who by law is
7 given the authority of a peace officer, or which so resembles the
8 authorized badge of a peace officer as would deceive any ordinary
9 reasonable person into believing that it is authorized for the use
10 of one who by law is given the authority of a peace officer, for the
11 purpose of fraudulently impersonating a peace officer, or of
12 fraudulently inducing the belief that he or she is a peace officer,
13 is guilty of a misdemeanor punishable by imprisonment in a county
14 jail not to exceed one year, by a fine not to exceed two thousand
15 dollars (\$2,000), or by both that imprisonment and fine.

16 (e) Except as provided in subdivision (d), any person who
17 willfully wears, exhibits, or uses, or who willfully makes, sells,
18 loans, gives, or transfers to another, any badge, insignia, emblem,
19 device, or any label, certificate, card, or writing, which falsely
20 purports to be authorized for the use of one who by law is given
21 the authority of a peace officer, or which so resembles the
22 authorized badge, insignia, emblem, device, label, certificate, card,
23 or writing of a peace officer as would deceive an ordinary
24 reasonable person into believing that it is authorized for the use
25 of one who by law is given the authority of a peace officer, is guilty
26 of a misdemeanor, except that any person who makes or sells any
27 badge under the circumstances described in this subdivision is
28 subject to a fine not to exceed fifteen thousand dollars (\$15,000).

29 (d) (1) The head of an agency listed in Sections 830.1 to 830.6,
30 inclusive, is authorized to issue identification in the form of a
31 badge, insignia, emblem, device, label, certificate, card, or writing
32 that clearly states that the person has honorably retired following
33 service as a peace officer from that agency. The identification
34 authorized pursuant to this subdivision is separate and distinct
35 from the identification authorized by Article 2 (commencing with
36 Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6.

37 (2) If the head of an agency issues a badge to an honorably
38 retired peace officer that is not affixed to a plaque or other
39 memento commemorating the retiree's service for the agency, the

1 words “Honorably Retired” shall be clearly visible above,
2 underneath, or on the badge itself.

3 (3) The head of an agency listed in Sections 830.1 to 830.6,
4 inclusive, is authorized to revoke identification granted pursuant
5 to this subdivision in the event of misuse or abuse.

6 (4) For the purposes of this subdivision, the term “honorably
7 retired” does not include an officer who has agreed to a service
8 retirement in lieu of termination.

9 (e) (1) Vendors of law enforcement uniforms shall verify that
10 a person purchasing a uniform identifying a law enforcement
11 agency is an employee of the agency identified on the uniform.
12 Presentation and examination of a valid identification card with a
13 picture of the person purchasing the uniform and identification,
14 on the letterhead of the law enforcement agency, of the person
15 buying the uniform as an employee of the agency identified on the
16 uniform shall be sufficient verification.

17 (2) Any uniform vendor who sells a uniform identifying a law
18 enforcement agency, without verifying that the purchaser is an
19 employee of the agency, is guilty of a misdemeanor, punishable
20 by a fine of not more than one thousand dollars (\$1,000).

21 (3) This subdivision shall not apply if the uniform is to be used
22 solely as a prop for a motion picture, television, video production,
23 or a theatrical event, and prior written permission has been obtained
24 from the identified law enforcement agency.

25 ~~SEC. 2.~~

26 *SECTION 1.* Section 16690 of the Penal Code is amended to
27 read:

28 16690. As used in Sections 25650 and 26020, Article 2
29 (commencing with Section 25450) of Chapter 2 of Division 5 of
30 Title 4, and Article 3 (commencing with Section 25900) of Chapter
31 3 of Division 5 of Title 4, “honorably retired” includes any peace
32 officer who has met his or her department’s years of service
33 requirement, or has accepted a separation of service or disability
34 retirement. As used in those provisions, “honorably retired” does
35 not include an officer who has agreed to a service retirement in
36 lieu of termination.

37 ~~SEC. 3.~~

38 *SEC. 2.* Section 25450 of the Penal Code is amended to read:

39 25450. As provided in this article, Section 25400 does not
40 apply to, or affect, any of the following:

1 (a) Any peace officer, listed in Section 830.1 or 830.2, or
2 subdivision (a) of Section 830.33, whether active or honorably
3 retired.

4 (b) Any other duly appointed peace officer.

5 (c) Any honorably retired peace officer listed in subdivision (c)
6 of Section 830.5.

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

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

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

16 ~~SEC. 4.~~

17 *SEC. 3.* Section 25900 of the Penal Code is amended to read:
18 25900. As provided in this article, Section 25850 does not
19 apply to any of the following:

20 (a) Any peace officer, listed in Section 830.1 or 830.2, or
21 subdivision (a) of Section 830.33, whether active or honorably
22 retired.

23 (b) Any other duly appointed peace officer.

24 (c) Any honorably retired peace officer listed in subdivision (c)
25 of Section 830.5.

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

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

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

35 ~~SEC. 5.~~

36 *SEC. 4.* Section 26300 of the Penal Code is amended to read:
37 26300. (a) Any peace officer listed in Section 830.1 or 830.2
38 or subdivision (c) of Section 830.5 who retired prior to January 1,
39 1981, is authorized to carry a concealed and loaded firearm if the

1 agency issued the officer an identification certificate and the
2 certificate has not been stamped as specified in Section 25470.

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

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

14 (2) This subdivision applies to a retired reserve officer if the
15 retired reserve officer satisfies the requirements of paragraph (1),
16 was a level I ~~or level II~~ reserve officer as described in paragraph
17 (1) ~~or (2)~~ of subdivision (a) of Section 832.6, and he or she served
18 ~~at least 15 years~~ in the aggregate *the minimum amount of time as*
19 *specified by the retiree's agency's policy as a ~~California~~ level I*
20 *reserve peace officer, provided that the policy shall not set an*
21 *aggregate term requirement that is less than 10 years or more*
22 *than 20 years.*