

Assembly Bill No. 176

Passed the Assembly May 4, 1995

Chief Clerk of the Assembly

Passed the Senate May 23, 1995

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1995, at ____ o'clock __M.

Private Secretary of the Governor



CHAPTER ____

An act to amend Section 12403 of, and to add Section 12403.9 to, the Penal Code, relating to custodial officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 176, Bowler. Custodial officers: tear gas weapons.

Existing law authorizes any person who is a peace officer to purchase, possess, transport, or use any tear gas weapon certified as acceptable if the person has satisfactorily completed an approved course of instruction in the use of tear gas.

This bill would additionally authorize any custodial officer, as defined, to purchase, possess, transport, or use any tear gas weapon as specified above. The bill also would provide that custodial officers of any county may carry tear gas weapons pursuant to this provision only while on duty. These custodial officers would be permitted to carry tear gas weapons while off duty only in accordance with all other laws.

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

SECTION 1. Section 12403 of the Penal Code is amended to read:

12403. Nothing in this chapter shall prohibit any person who is a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or a custodial officer, as defined in Sections 831 and 831.5, from purchasing, possessing, transporting, or using any tear gas weapon, if the weapon has been certified as acceptable under Article 5 (commencing with Section 12450) of this chapter and if the person has satisfactorily completed a course of instruction approved by the Commission on Peace Officer Standards and Training in the use of tear gas.

SEC. 2. Section 12403.9 is added to the Penal Code, to read:



12403.9. Custodial officers of any county may carry tear gas weapons pursuant to Section 12403 only while on duty. These custodial officers may carry tear gas weapons while off duty only in accordance with all other laws.



Approved _____, 1995

Governor

