

ASSEMBLY BILL

No. 1496

Introduced by Assembly Member Valerie Brown

February 24, 1995

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1496, as introduced, V. Brown. Peace officers: disability: retirement.

Existing law provides that the identification certificate or endorsement issued to peace officers authorizing the officers to carry a concealed and loaded firearm is also applicable to honorably retired peace officers who during the course and scope of their employment as peace officers were authorized to, and did, carry firearms. However, no peace officer who is retired after January 1, 1989, because of a psychological disability may be issued an endorsement to carry a concealed and loaded firearm pursuant to this provision.

This bill would specify that retirement for psychological disability is established for purposes of this provision when a physician has provided a written opinion that the retiring peace officer is or may be a danger to himself, herself, or others if permitted to carry a concealed and loaded firearm.

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
2 amended to read:

3 12027.1. (a) (1) (A) (i) Any peace officer
4 employed by an agency and listed in Section 830.1 or 830.2
5 or subdivision (c) of Section 830.5 who retired after
6 January 1, 1981, shall have an endorsement on the
7 identification certificate stating that the issuing agency
8 approves the officer's carrying of a concealed and loaded
9 firearm.

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

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

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

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

35 (b) (1) An identification certificate authorizing the
36 officer to carry a concealed and loaded firearm or an
37 endorsement may be revoked or denied by the issuing
38 agency only upon a showing of good cause. Good cause

1 shall be determined at a hearing, as specified in
2 subdivision (d).

3 (2) An identification certificate authorizing the officer
4 to carry a concealed and loaded firearm or an
5 endorsement may be revoked only after a hearing, as
6 specified in subdivision (d). Any retired peace officer
7 whose identification certificate authorizing the officer to
8 carry a concealed and loaded firearm or an endorsement
9 is to be revoked shall have 15 days to respond to the notice
10 of the hearing. Notice of the hearing shall be served either
11 personally on the retiree or sent by first-class mail,
12 postage prepaid, return receipt requested to the retiree's
13 last known place of residence. Upon the date the agency
14 receives the signed registered receipt or upon the date
15 the notice is served personally on the retiree, the retiree
16 shall have 15 days to respond to the notification. A retired
17 peace officer who fails to respond to the notice of the
18 hearing shall forfeit his or her right to respond.

19 (3) An identification certificate authorizing the officer
20 to carry a concealed and loaded firearm or an
21 endorsement may be denied prior to a hearing. If a
22 hearing is not conducted prior to the denial of an
23 endorsement, a retired peace officer, within 15 days of the
24 denial, shall have the right to request a hearing. A retired
25 peace officer who fails to request a hearing pursuant to
26 this paragraph shall forfeit his or her right to the hearing.

27 (c) A retired peace officer, when notified of the
28 revocation of his or her privilege to carry a concealed and
29 loaded firearm, after the hearing, or upon forfeiting his or
30 her right to a hearing, shall immediately surrender to the
31 issuing agency his or her identification certificate. The
32 issuing agency shall reissue a new identification
33 certificate without an endorsement. However, if the
34 peace officer retired prior to January 1, 1981, and was at
35 the time of his or her retirement a peace officer listed in
36 Section 830.1 or 830.2 or subdivision (c) of Section 830.5,
37 the issuing agency shall stamp on the identification
38 certificate "No CCW privilege."

39 (d) Any hearing conducted under this section shall be
40 held before a three-member hearing board. One member

1 of the board shall be selected by the agency and one
2 member shall be selected by the retired peace officer or
3 his or her employee organization. The third member shall
4 be selected jointly by the agency and the retired peace
5 officer or his or her employee organization.

6 Any decision by the board shall be binding on the
7 agency and the retired peace officer.

8 (e) No peace officer who is retired after January 1,
9 1989, because of a psychological disability shall be issued
10 an endorsement to carry a concealed and loaded firearm
11 pursuant to this section. *Retirement due to psychological*
12 *disability is established when a physician or psychologist*
13 *has provided a written opinion that the retiring peace*
14 *officer is or may be a danger to himself, herself, or others*
15 *if permitted to carry a concealed and loaded firearm.*

