

ASSEMBLY BILL

No. 3169

Introduced by Assembly Member Martinez

February 23, 1996

An act to amend Section 50081 of the Government Code, relating to local agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 3169, as introduced, Martinez. Local agencies: law enforcement.

Existing law requires the legislative body of a local agency, to the extent that funds have been made available, to furnish each newly hired police officer and deputy sheriff employed full time by the local agency with a service revolver or other suitable pistol, holster, belt and ammunition, a nightstick, handcuffs, raincoats, and rainboots, but does not require the legislative body to furnish a protective vest.

This bill would require the legislative body of a local agency to furnish a protective vest to each newly hired police officer and deputy sheriff employed full time by the local agency. The imposition of this new requirement on local agencies would create 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 50081 of the Government Code
2 is amended to read:

3 50081. (a) To the extent that funds have been made
4 available to a local agency pursuant to Section 50082, the
5 legislative body of a local agency shall furnish each newly
6 hired police officer and deputy sheriff employed full time
7 by the local agency with a service revolver or other
8 suitable pistol, holster, belt and ammunition, a nightstick,
9 handcuffs, raincoats, ~~and~~ rainboots, *and protective vest.*

10 (b) The following items are recommended to be
11 provided by local agencies but are not reimbursable
12 pursuant to Section 50082:

- 13 (1) Offduty holster.
- 14 (2) Whistle.
- 15 (3) Flashlight, flashlight batteries, and flashlight bulb.
- 16 (4) Chemical Mace and chemical Mace holder.
- 17 (5) Utility jacket.
- 18 ~~(6) Protective vest.~~

19 (c) Issued equipment shall remain the property of the
20 local agency and shall be returned upon request of the
21 local agency. However, notwithstanding any other law,
22 and as long as the item is not needed as evidence in a
23 pending criminal or civil action or investigation, any local
24 agency shall donate the personal effects, including pistols,
25 revolvers, or other firearms capable of being concealed
26 upon the person that have been rendered inoperable and
27 shooting medals, of any police officer or deputy sheriff
28 employed by the agency who is killed in the line of duty,
29 to the family of the officer upon the request of the family.
30 The officer's ~~protective vest,~~ ammunition, and chemical



1 Mace shall not be made available to the family and shall
2 remain the property of the local agency.

3 (d) Any requirement of a basic firearms safety
4 certificate for persons who anticipate the transfer of a
5 pistol, revolver, or other firearm capable of being
6 concealed upon the person shall not apply to a person to
7 whom an inoperable pistol, revolver, or other firearm
8 capable of being concealed upon the person is donated
9 pursuant to this section.

10 SEC. 2. Notwithstanding Section 17610 of the
11 Government Code, if the Commission on State Mandates
12 determines that this act contains costs mandated by the
13 state, reimbursement to local agencies and school
14 districts for those costs shall be made pursuant to Part 7
15 (commencing with Section 17500) of Division 4 of Title
16 2 of the Government Code. If the statewide cost of the
17 claim for reimbursement does not exceed one million
18 dollars (\$1,000,000), reimbursement shall be made from
19 the State Mandates Claims Fund.

20 Notwithstanding Section 17580 of the Government
21 Code, unless otherwise specified, the provisions of this act
22 shall become operative on the same date that the act
23 takes effect pursuant to the California Constitution.

