

AMENDED IN ASSEMBLY JUNE 25, 1997

AMENDED IN ASSEMBLY JUNE 4, 1997

AMENDED IN SENATE MARCH 11, 1997

**SENATE BILL**

**No. 243**

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**Introduced by Senator Peace**

February 4, 1997

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An act to amend Sections 7522, 7582.2, 7583.12, 7583.22, 7583.33, 7583.37, 7597.1, and 7597.6 of, and to repeal Section 7522.1 of, the Business and Professions Code, and to amend Sections 70 and 12033 of the Penal Code, relating to security services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 243, as amended, Peace. Security services: concealed firearms.

(1) The Private Investigator Act requires licensing of persons acting as private investigators, subject to specified exemptions. The act does not require licensing of a person who serves process if that person is registered as a process server.

This bill would make technical changes in these provisions.

(2) The Private Security Services Act requires a person who engages in any business regulated by the act to be licensed, as specified. Certain persons are exempt from the act, including, among others, peace officers that meet specified requirements.

This bill would additionally exempt from the act a peace officer acting in accordance with provisions permitting casual or part-time employment as a private security guard or patrolman for a public or private entity. The bill would also delete outdated provisions related to the employment of peace officers as security guards or patrolmen, and make technical changes.

(3) The Private Security Services Act prohibits a licensee, qualified manager, or registered security guard from engaging in specified acts, including carrying a concealed firearm. This prohibition does not apply when certain circumstances exist, including that the person has been issued a permit to carry the concealed firearm. The act also provides that any licensee, qualified manager, or a registered uniformed security guard who wishes to carry a baton in the performance of his or her duties shall qualify to do so pursuant to specified provisions of law.

This bill would, in addition, provide that the prohibition against carrying a concealed firearm does not apply to certain peace officers. It would also exempt certain peace officers who have successfully completed a course of study in the use of batons from the baton carrying requirements. *It would also, with respect to certain peace officers, delete the requirement, when carrying a firearm, of possessing a valid firearms qualification card and would make related changes.*

(4) Existing provisions of the Alarm Company Act prohibit a licensee, qualified manager, branch office manager, or alarm agent from carrying a concealed firearm unless a permit to do so has been issued.

This bill would, in the alternative, permit the carrying of a concealed firearm if the person is an honorably retired peace officer authorized to carry a concealed firearm, or a duly appointed peace officer, as specified, authorized to carry a concealed firearm. *It would also, with respect to certain peace officers, delete the requirement, when carrying a firearm, of possessing a valid firearms qualification card.*

(5) This bill would declare that it is to take effect immediately as an urgency statute. However, the bill would provide that it will not take effect before July 1, 1997.



(6) *The bill would also incorporate certain additional amendments to Section 7583.22 of the Business and Professions Code to be operative contingent upon the prior enactment of SB 780.*

Vote:  $\frac{2}{3}$ . 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 7522 of the Business and  
2 Professions Code, as amended by Section 2.1 of Chapter  
3 1064 of the Statutes of 1996, is amended to read:

4 7522. This chapter does not apply to:

5 (a) A person employed exclusively and regularly by  
6 any employer who does not provide contract security  
7 services for other entities or persons, in connection with  
8 the affairs of such employer only and where there exists  
9 an employer-employee relationship if that person at no  
10 time carries or uses any deadly weapon in the  
11 performance of his or her duties. For purposes of this  
12 subdivision, “deadly weapon” is defined to include any  
13 instrument or weapon of the kind commonly known as a  
14 blackjack, slungshot, billy, sandclub, sandbag, metal  
15 knuckles, any dirk, dagger, pistol, revolver, or any other  
16 firearm, any knife having a blade longer than five inches,  
17 any razor with an unguarded blade and any metal pipe or  
18 bar used or intended to be used as a club.

19 (b) An officer or employee of the United States of  
20 America, or of this state or a political subdivision thereof,  
21 while the officer or employee is engaged in the  
22 performance of his or her official duties, including  
23 uniformed peace officers employed part time by a public  
24 agency pursuant to a written agreement between a chief  
25 of police or sheriff and the public agency, provided the  
26 part-time employment does not exceed 50 hours in any  
27 calendar month.

28 (c) A person engaged exclusively in the business of  
29 obtaining and furnishing information as to the financial  
30 rating of persons.



1 (d) A charitable philanthropic society or association  
2 duly incorporated under the laws of this state which is  
3 organized and maintained for the public good and not for  
4 private profit.

5 (e) An attorney at law in performing his or her duties  
6 as an attorney at law.

7 (f) Admitted insurers and agents and insurance  
8 brokers licensed by the state, performing duties in  
9 connection with insurance transacted by them.

10 (g) Any bank subject to the jurisdiction of the  
11 Commissioner of Financial Institutions of the State of  
12 California under Division 1 (commencing with Section  
13 99) of the Financial Code or the Comptroller of Currency  
14 of the United States.

15 (h) A person engaged solely in the business of securing  
16 information about persons or property from public  
17 records.

18 (i) A peace officer of this state or a political subdivision  
19 thereof while the peace officer is employed by a private  
20 employer to engage in off-duty employment in  
21 accordance with Section 1126 of the Government Code.  
22 However, nothing herein shall exempt a peace officer  
23 who either contracts for his or her services or the services  
24 of others as a private investigator or contracts for his or  
25 her services as or is employed as an armed private  
26 investigator. For purposes of this subdivision, “armed  
27 private investigator” means an individual who carries or  
28 uses a firearm in the course and scope of that contract or  
29 employment.

30 (j) A licensed insurance adjuster in performing his or  
31 her duties within the scope of his or her license as an  
32 insurance adjuster.

33 (k) Any savings association subject to the jurisdiction  
34 of the Commissioner of Financial Institutions or the  
35 Office of Thrift Supervision.

36 (l) Any secured creditor engaged in the repossession  
37 of the creditor’s collateral and any lessor engaged in the  
38 repossession of leased property in which it claims an  
39 interest.



1 (m) The act of serving process by an individual who is  
2 registered as a process server pursuant to Section 22350.

3 SEC. 2. Section 7522.1 of the Business and Professions  
4 Code is repealed.

5 SEC. 3. Section 7582.2 of the Business and Professions  
6 Code, as amended by Section 3.1 of Chapter 1064 of the  
7 Statutes of 1996, is amended to read:

8 7582.2. This chapter does not apply to:

9 (a) A person employed exclusively and regularly by  
10 any employer who does not provide contract security  
11 services for other entities or persons, in connection with  
12 the affairs of the employer only and where there exists an  
13 employer-employee relationship if that person at no time  
14 carries or uses any deadly weapon in the performance of  
15 his or her duties. For purposes of this subdivision, “deadly  
16 weapon” is defined to include any instrument or weapon  
17 of the kind commonly known as a blackjack, slungshot,  
18 billy, sandclub, sandbag, metal knuckles, any dirk,  
19 dagger, pistol, revolver, or any other firearm, any knife  
20 having a blade longer than five inches, any razor with an  
21 unguarded blade and any metal pipe or bar used or  
22 intended to be used as a club.

23 (b) An officer or employee of the United States of  
24 America, or of this state or a political subdivision thereof,  
25 while the officer or employee is engaged in the  
26 performance of his or her official duties, including  
27 uniformed peace officers employed part time by a public  
28 agency pursuant to a written agreement between a chief  
29 of police or sheriff and the public agency, provided the  
30 part-time employment does not exceed 50 hours in any  
31 calendar month.

32 (c) A person engaged exclusively in the business of  
33 obtaining and furnishing information as to the financial  
34 rating of persons.

35 (d) A charitable philanthropic society or association  
36 duly incorporated under the laws of this state which is  
37 organized and maintained for the public good and not for  
38 private profit.

39 (e) Patrol special police officers appointed by the  
40 police commission of any city, county, or city and county



1 under the express terms of its charter who also under the  
2 express terms of the charter (1) are subject to suspension  
3 or dismissal after a hearing on charges duly filed with the  
4 commission after a fair and impartial trial, (2) must be not  
5 less than 18 years of age nor more than 40 years of age, (3)  
6 must possess physical qualifications prescribed by the  
7 commission, and (4) are designated by the police  
8 commission as the owners of a certain beat or territory as  
9 may be fixed from time to time by the police commission.

10 (f) An attorney at law in performing his or her duties  
11 as an attorney at law.

12 (g) A collection agency or an employee thereof while  
13 acting within the scope of his or her employment, while  
14 making an investigation incidental to the business of the  
15 agency, including an investigation of the location of a  
16 debtor or his or her property where the contract with an  
17 assignor creditor is for the collection of claims owed or  
18 due or asserted to be owed or due or the equivalent  
19 thereof.

20 (h) Admitted insurers and agents and insurance  
21 brokers licensed by the state, performing duties in  
22 connection with insurance transacted by them.

23 (i) Any bank subject to the jurisdiction of the  
24 Commissioner of Financial Institutions of the State of  
25 California under Division 1 (commencing with Section  
26 99) of the Financial Code or the Comptroller of Currency  
27 of the United States.

28 (j) A person engaged solely in the business of securing  
29 information about persons or property from public  
30 records.

31 (k) A peace officer of this state or a political  
32 subdivision thereof while the peace officer is employed  
33 by a private employer to engage in off-duty employment  
34 in accordance with Section 1126 of the Government  
35 Code. However, nothing herein shall exempt such peace  
36 officer who either contracts for his or her services or the  
37 services of others as a private patrol operator or contracts  
38 for his or her services as or is employed as an armed  
39 private security officer. For purposes of this subdivision,  
40 “armed security officer” means an individual who carries



1 or uses a firearm in the course and scope of that contract  
2 or employment.

3 (l) A retired peace officer of the state or political  
4 subdivision thereof when the retired peace officer is  
5 employed by a private employer in employment  
6 approved by the chief law enforcement officer of the  
7 jurisdiction where the employment takes place, provided  
8 that the retired officer is in a uniform of a public law  
9 enforcement agency, has registered with the bureau on  
10 a form approved by the director, and has met any training  
11 requirements or their equivalent as established for  
12 security personnel under Section 7583.5. This officer may  
13 not carry a loaded or concealed firearm unless he or she  
14 is exempted under the provisions of subdivision (a) of  
15 Section 12027 of the Penal Code or paragraph (1) of  
16 subdivision (b) of Section 12031 of the Penal Code or has  
17 met the requirements set forth in Section 12033 of the  
18 Penal Code. However, nothing herein shall exempt the  
19 retired peace officer who contracts for his or her services  
20 or the services of others as a private patrol operator.

21 (m) A licensed insurance adjuster in performing his or  
22 her duties within the scope of his or her license as an  
23 insurance adjuster.

24 (n) Any savings association subject to the jurisdiction  
25 of the Commissioner of Financial Institutions or the  
26 Office of Thrift Supervision.

27 (o) Any secured creditor engaged in the repossession  
28 of the creditor's collateral and any lessor engaged in the  
29 repossession of leased property in which it claims an  
30 interest.

31 (p) A peace officer in his or her official police uniform  
32 acting in accordance with subdivisions (c) and (d) of  
33 Section 70 of the Penal Code.

34 *SEC. 3.1. Section 7583.12 of the Business and*  
35 *Professions Code is amended to read:*

36 7583.12. (a) No employee of a licensee shall carry or  
37 use a firearm unless the employee has in his or her  
38 possession ~~a~~ *both of the following:*

39 (1) A valid guard registration card ~~and a valid firearm~~  
40 ~~qualification card~~ issued pursuant to this chapter.



1 (2) A valid firearm qualification card issued pursuant  
2 to this chapter.

3 (b) Paragraph (2) of subdivision (a) shall not apply to  
4 a duly appointed peace officer, as defined in Chapter 4.5  
5 (commencing with Section 830) of Title 3 of Part 2 of the  
6 Penal Code, who meets all of the following:

7 (1) He or she has successfully completed a course of  
8 study in the use of firearms.

9 (2) He or she is authorized to carry a concealed  
10 firearm in the course and scope of his or her employment  
11 pursuant to subdivision (a) of Section 12027 of the Penal  
12 Code.

13 (3) He or she has proof that he or she has applied to the  
14 bureau for a firearms qualification card.

15 SEC. 3.2. Section 7583.22 of the Business and  
16 Professions Code is amended to read:

17 7583.22. (a) A licensee, qualified manager of a  
18 licensee, or security guard who in the course of his or her  
19 employment may be required to carry a firearm shall,  
20 prior to carrying a firearm, do both of the following:

21 (1) Complete a course of training in the carrying and  
22 use of firearms.

23 (2) Receive a firearms qualification card or be  
24 otherwise qualified to carry a firearm as provided in  
25 Section 7583.12.

26 (b) A licensee shall not permit an employee to carry  
27 or use a loaded or unloaded firearm, whether or not it is  
28 serviceable or operative, unless the employee possesses a  
29 valid and current firearms qualification card issued by the  
30 bureau or be otherwise qualified to carry a firearm as  
31 provided in Section 7583.12.

32 (c) Paragraph (1) of subdivision (a) shall not apply to  
33 a peace officer as defined in Chapter 4.5 (commencing  
34 with Section 830) of Title 3 of Part 2 of the Penal Code,  
35 who has successfully completed a course of study in the  
36 use of firearms.

37 SEC. 3.3. Section 7583.22 of the Business and  
38 Professions Code is amended to read:

39 7583.22. (a) A licensee, qualified manager of a  
40 licensee, or security guard who, in the course of his or her



1 employment, may be required to carry a firearm shall,  
2 prior to carrying a firearm, do both of the following:

3 (1) Complete a course of training in the carrying and  
4 use of firearms.

5 (2) Receive a firearms qualification card *or be*  
6 *otherwise qualified to carry a firearm as provided in*  
7 *Section 7583.12.*

8 (b) A licensee shall not permit an employee to carry  
9 or use a loaded or unloaded firearm, whether or not it is  
10 serviceable or operative, unless the employee possesses a  
11 valid and current firearms qualification card issued by the  
12 bureau *or so otherwise qualified to carry a firearm as*  
13 *provided in Section 7583.12.*

14 (c) *A pocket card issued by the bureau pursuant to*  
15 *Section 7582.13 may also serve as a firearms qualification*  
16 *card if so indicated on the face of the card.*

17 (d) Paragraph (1) of subdivision (a) shall not apply to  
18 a peace officer as defined in Chapter 4.5 (commencing  
19 with Section 830) of Title 3 of Part 2 of the Penal Code,  
20 who has successfully completed a course of study in the  
21 use of firearms.

22 SEC. 4. Section 7583.33 of the Business and  
23 Professions Code is amended to read:

24 7583.33. (a) Any licensee, qualified manager, or a  
25 registered uniformed security guard who wishes to carry  
26 a baton in the performance of his or her duties, shall  
27 qualify to carry the weapon pursuant to Article 5  
28 (commencing with Section 7585).

29 (b) Subdivision (a) does not apply to a peace officer as  
30 defined in Chapter 4.5 (commencing with Section 830) of  
31 Title 3 of Part 2 of the Penal Code who has successfully  
32 completed a course of study in the use of batons.

33 SEC. 5. Section 7583.37 of the Business and  
34 Professions Code is amended to read:

35 7583.37. The director may assess fines as enumerated  
36 in Article 7 (commencing with Section 7587). Assessment  
37 of administrative fines shall be independent of any other  
38 action by the bureau or any local, state, or federal  
39 governmental agency that may result from a violation of  
40 this article. In addition to other prohibited acts under this



1 chapter, no licensee, qualified manager, or registered  
2 security guard shall, during the course and scope of  
3 licensed activity, do any of the following:

4 (a) Carry any inoperable, replica, or other simulated  
5 firearm.

6 (b) Use a firearm in violation of the law, or in knowing  
7 violation of the standards for the carrying and usage of  
8 firearms as taught in the course of training in the carrying  
9 and use of firearms. Unlawful or prohibited uses of  
10 firearms shall include, but not be limited to, the following:

11 (1) Illegally using, carrying, or possessing a dangerous  
12 weapon.

13 (2) Brandishing a weapon.

14 (3) Drawing a weapon without proper cause.

15 (4) Provoking a shooting incident without cause.

16 (5) Carrying or using a firearm while on duty while  
17 under the influence of alcohol or dangerous drugs.

18 (6) Carrying or using a firearm of a caliber for which  
19 a firearms permit has not been issued by the bureau.

20 (c) Carry or use a baton in the performance of his or  
21 her duties, unless he or she has in his or her possession a  
22 valid baton certificate issued pursuant to Section 7585.14.

23 (d) Carry or use tear gas or any other nonlethal  
24 chemical agent in the performance of his or her duties  
25 unless he or she has in his or her possession proof of  
26 completion of a course in the carrying and use of tear gas  
27 or any other nonlethal chemical agent.

28 (e) Carry a concealed pistol, revolver, or other firearm  
29 capable of being concealed upon the person unless one of  
30 the following circumstances applies:

31 (1) The person has been issued a permit to carry a  
32 pistol, revolver, or other firearm capable of being  
33 concealed upon the person in a concealed manner by a  
34 local law enforcement agency pursuant to Section 12050  
35 of the Penal Code.

36 (2) The person is employed as a guard or messenger of  
37 a common carrier, bank, or other financial institution and  
38 he or she carries the weapon while actually employed in  
39 and about the shipment, transportation, or delivery of any  
40 money, treasure, bullion, bonds, or other thing of value



1 within this state, as specified in subdivision (e) of Section  
2 12027 of the Penal Code.

3 (3) The person is an honorably retired peace officer  
4 authorized to carry a concealed firearm pursuant to  
5 subdivision (a) or (i) of Section 12027 of the Penal Code.

6 (4) The person is a duly appointed peace officer, as  
7 defined in Chapter 4.5 (commencing with Section 830) of  
8 Title 3 of Part 2 of the Penal Code, who is authorized to  
9 carry a concealed firearm in the course and scope of his  
10 or her employment pursuant to subdivision (a) of Section  
11 12027 of the Penal Code.

12 *SEC. 5.1. Section 7597.1 of the Business and*  
13 *Professions Code is amended to read:*

14 7597.1. (a) No licensee, qualified manager, branch  
15 office manager, or alarm agent shall carry, use, or possess  
16 a loaded or unloaded firearm in the course and scope of  
17 his or her employment, whether or not it is serviceable or  
18 operative, unless he or she has in his or her possession a  
19 valid and current firearms qualification card issued to him  
20 or her by the bureau. The card shall be shown to any  
21 peace officer or bureau representative upon demand.

22 (b) *Subdivision (a) shall not apply to a duly appointed*  
23 *peace officer, as defined in Chapter 4.5 (commencing*  
24 *with Section 830) of Title 3 of Part 2 of the Penal Code,*  
25 *who meets all of the following:*

26 (1) *He or she has successfully completed a course of*  
27 *study in the use of firearms.*

28 (2) *He or she is authorized to carry a concealed*  
29 *firearm in the course and scope of his or her employment*  
30 *pursuant to subdivision (a) of Section 12027 of the Penal*  
31 *Code.*

32 (3) *He or she has proof that he or she has applied to the*  
33 *bureau for a firearms qualification card.*

34 (c) A fine of twenty-five dollars (\$25) may be assessed  
35 for the first violation of this section and a fine of one  
36 hundred dollars (\$100) for each subsequent violation.

37 *SEC. 6. Section 7597.6 of the Business and Professions*  
38 *Code is amended to read:*

39 7597.6. (a) No licensee, qualified manager, branch  
40 office manager, or alarm agent shall carry a pistol,



1 revolver, or other firearm capable of being concealed  
2 upon the person in a concealed manner unless one of the  
3 following circumstances apply:

4 (1) The person has been issued a permit to carry that  
5 firearm in a concealed manner by a local law  
6 enforcement agency pursuant to Section 12050 of the  
7 Penal Code.

8 (2) The person is an honorably retired peace officer  
9 authorized to carry a concealed firearm pursuant to  
10 subdivision (a) or (i) of Section 12027 of the Penal Code.

11 (3) The person is a duly appointed peace officer, as  
12 defined in Chapter 4.5 (commencing with Section 830) of  
13 Title 3 of Part 2 of the Penal Code, who is authorized to  
14 carry a concealed firearm in the course and scope of his  
15 or her employment pursuant to subdivision (a) of Section  
16 12027 of the Penal Code.

17 (b) A fine of five hundred dollars (\$500) may be  
18 assessed for each violation of subdivision (a).

19 SEC. 7. Section 70 of the Penal Code is amended to  
20 read:

21 70. (a) Every executive or ministerial officer,  
22 employee, or appointee of the State of California, or any  
23 county or city therein, or any political subdivision thereof,  
24 who knowingly asks, receives, or agrees to receive any  
25 emolument, gratuity, or reward, or any promise thereof  
26 excepting such as may be authorized by law for doing an  
27 official act, is guilty of a misdemeanor.

28 (b) This section does not prohibit deputy registrars of  
29 voters from receiving compensation when authorized by  
30 local ordinance from any candidate, political committee,  
31 or statewide political organization for securing the  
32 registration of voters.

33 (c) Nothing in this section precludes a peace officer, as  
34 defined in Chapter 4.5 (commencing with Section 830) of  
35 Title 3 of Part 2, from engaging in, or being employed in,  
36 casual or part-time employment as a private security  
37 guard or patrolman for a public entity while off duty from  
38 his or her principal employment and outside his or her  
39 regular employment as a peace officer of a state or local  
40 agency, and exercising the powers of a peace officer



1 concurrently with that employment, provided that the  
2 peace officer is in a police uniform and is subject to  
3 reasonable rules and regulations of the agency for which  
4 he or she is a peace officer. Notwithstanding the above  
5 provisions, any and all civil and criminal liability arising  
6 out of the secondary employment of any peace officer  
7 pursuant to this subdivision shall be borne by the officer's  
8 secondary employer.

9 It is the intent of the Legislature by this subdivision to  
10 abrogate the holdings in *People v. Corey*, 21 Cal. 3d 738,  
11 and *Cervantez v. J.C. Penney Co.*, 24 Cal. 3d 579, to  
12 reinstate prior judicial interpretations of this section as  
13 they relate to criminal sanctions for battery on peace  
14 officers who are employed, on a part-time or casual basis,  
15 by a public entity, while wearing a police uniform as  
16 private security guards or patrolmen, and to allow the  
17 exercise of peace officer powers concurrently with that  
18 employment.

19 (d) Nothing in this section precludes a peace officer,  
20 as defined in Chapter 4.5 (commencing with Section 830)  
21 of Title 3 of Part 2, from engaging in, or being employed  
22 in, casual or part-time employment as a private security  
23 guard or patrolman by a private employer while off duty  
24 from his or her principal employment and outside his or  
25 her regular employment as a peace officer, and exercising  
26 the powers of a peace officer concurrently with that  
27 employment, provided that all of the following are true:

- 28 (1) The peace officer is in his or her police uniform.
- 29 (2) The casual or part-time employment as a private  
30 security guard or patrolman is approved by the county  
31 board of supervisors with jurisdiction over the principal  
32 employer or by the board's designee or by the city council  
33 with jurisdiction over the principal employer or by the  
34 council's designee.
- 35 (3) The wearing of uniforms and equipment is  
36 approved by the principal employer.
- 37 (4) The peace officer is subject to reasonable rules and  
38 regulations of the agency for which he or she is a peace  
39 officer.



1 Notwithstanding the above provisions, a peace officer  
2 while off duty from his or her principal employment and  
3 outside his or her regular employment as a peace officer  
4 of a state or local agency shall not exercise the powers of  
5 a police officer if employed by a private employer as a  
6 security guard during a strike, lockout, picketing, or other  
7 physical demonstration of a labor dispute at the site of the  
8 strike, lockout, picketing, or other physical  
9 demonstration of a labor dispute. The issue of whether or  
10 not casual or part-time employment as a private security  
11 guard or patrolman pursuant to this subdivision is to be  
12 approved shall not be a subject for collective bargaining.  
13 Any and all civil and criminal liability arising out of the  
14 secondary employment of any peace officer pursuant to  
15 this subdivision shall be borne by the officer's principal  
16 employer. The principal employer shall require the  
17 secondary employer to enter into an indemnity  
18 agreement as a condition of approving casual or part-time  
19 employment pursuant to this subdivision.

20 It is the intent of the Legislature by this subdivision to  
21 abrogate the holdings in *People v. Corey*, 21 Cal. 3d 738,  
22 and *Cervantez v. J. C. Penney Co.*, 24 Cal. 3d 579, to  
23 reinstate prior judicial interpretations of this section as  
24 they relate to criminal sanctions for battery on peace  
25 officers who are employed, on a part-time or casual basis,  
26 while wearing a police uniform approved by the principal  
27 employer, as private security guards or patrolmen, and to  
28 allow the exercise of peace officer powers concurrently  
29 with that employment.

30 SEC. 8. Section 12033 of the Penal Code is amended  
31 to read:

32 12033. The Department of Consumer Affairs may  
33 issue a certificate to any person referred to in subdivision  
34 (d) of Section 12031, upon notification by the school  
35 where the course was completed, that the person has  
36 successfully completed a course in the carrying and use  
37 of firearms and a course of training in the exercise of the  
38 powers of arrest which meet the standards prescribed by  
39 the department pursuant to Section 7583.5 of the Business  
40 and Professions Code.



1 SEC. 9. This act is an urgency statute necessary for the  
2 immediate preservation of the public peace, health, or  
3 safety within the meaning of Article IV of the  
4 Constitution and shall go into immediate effect. The facts  
5 constituting the necessity are:

6 To correct incorrect references in the Business and  
7 Professions Code and to clarify ambiguities that have  
8 resulted from the enactment of recent legislation relating  
9 to the interaction of Section 70 of the Penal Code and  
10 Chapter 11.5 (commencing with Section 7580) of the  
11 Business and Professions Code as soon as possible, it is  
12 necessary that this act take effect immediately.

13 SEC. 10. This act shall become operative on July 1,  
14 1997, or on its effective date, whichever is later.

15 *SEC. 11. Section 3.3 of this bill incorporates*  
16 *amendments to Section 7583.22 of the Business and*  
17 *Professions Code proposed by both this bill and SB 780. It*  
18 *shall only become operative if (1) both bills are enacted*  
19 *and become effective on or before January 1, 1998, but*  
20 *this bill becomes operative first, (2) each bill amends*  
21 *Section 7583.22 of the Business and Professions Code, and*  
22 *(3) this bill is enacted after SB 780, in which case Section*  
23 *7583.22 of the Business and Professions Code as amended*  
24 *by Section 3.2 of this bill shall remain operative only until*  
25 *the operative date of SB 780, at which time Section 3.3 of*  
26 *this bill shall become operative.*

