

ASSEMBLY BILL

No. 2549

Introduced by Assembly Member Hall

February 24, 2012

An act to amend Section 30630 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as introduced, Hall. Firearms: possession of assault weapons: law enforcement officers.

Existing law generally prohibits the possession of an assault weapon, as defined, or a .50 BMG rifle, as defined. Existing law imposes specified penalties for a violation of these provisions, including imprisonment in a county jail for a period not to exceed one year, or a fine, or both imprisonment and a fine, as specified. Existing law does not prohibit the sale, delivery, or transfer of an assault weapon or a .50 BMG rifle to, or the possession of an assault weapon or a .50 BMG rifle by, a sworn peace officer member of a state law enforcement entity if the peace officer is authorized by the officer's employer to possess or receive the assault weapon or the .50 BMG rifle. Existing law defines the required authorization as verifiable written certification from the head of the agency, identifying the recipient or possessor of the assault weapon or the .50 BMG rifle as a peace officer and authorizing that person to receive or possess the specific assault weapon. Existing law also requires the officer to register the weapon, as specified. These requirements do not apply to members of federal law enforcement agencies who are authorized by their employing agency to possess these weapons.

This bill would require that the written authorization from an officer's employer necessary to exempt the officer from restrictions on the sale, delivery, transfer, or possession of an assault weapon or .50 BMG rifle also include language stating that the use of the assault weapon or .50 BMG rifle is "for law enforcement purposes, whether on or off duty." The bill would require that a peace officer who purchases an assault weapon or .50 BMG rifle pursuant to this provision on or after January 1, 2013, be limited to the purchase of one assault weapon or .50 BMG rifle and would prohibit the peace officer from purchasing another assault weapon or .50 BMG rifle pursuant to this provision unless the peace officer has relinquished his or her possession of the original assault weapon or .50 BMG rifle and transferred registration of the weapon out of his or her name.

The bill would also require a peace officer who lawfully purchased an assault weapon or .50 BMG rifle and properly registered the firearm in his or her name, as required pursuant to the provisions described above, and who has honorably retired, as defined, from the law enforcement agency, to notify the Department of Justice of his or her change in status and continued ownership of the assault weapon or .50 BMG rifle. The bill would require the notification to include written documentation from the head of the law enforcement agency from which the officer retired, or a designee of the department head, stating that the officer honorably retired from the agency. The bill would require the Department of Justice to develop a program authorizing a retired officer to file a "change of status" form for purposes of these provisions, and to develop and adopt a form for that purpose, and would authorize the department to charge the retired officer seeking to file that form a fee covering the reasonable cost of providing this service.

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 30630 of the Penal Code is amended to
- 2 read:
- 3 30630. (a) Sections 30605 and 30610 shall not prohibit the
- 4 possession or use of assault weapons or a .50 BMG rifle by sworn
- 5 peace officer members of those agencies specified in Section 30625
- 6 for law enforcement purposes, whether on or off duty.

(b) (1) Sections 30600, 30605, and 30610 shall not prohibit the sale, delivery, or transfer of an assault weapon or a .50 BMG rifle to, or the possession of an assault weapon or a .50 BMG rifle by, a sworn peace officer member of an agency specified in Section 30625 if the peace officer is authorized by the officer's employer to possess or receive the assault weapon or the .50 BMG rifle. Required authorization is defined as verifiable written certification from the head of the agency, identifying the recipient or possessor of the assault weapon as a peace officer and authorizing that person to receive or possess the specific assault weapon. *The written authorization shall also include language stating that the use of the assault weapon or .50 BMG rifle is "for law enforcement purposes, whether on or off duty." A peace officer who purchases an assault weapon or .50 BMG rifle pursuant to this section on or after January 1, 2013, shall be limited to the purchase of one assault weapon or .50 BMG rifle and shall not be authorized to purchase another assault weapon or .50 BMG rifle pursuant to this section unless the peace officer has relinquished his or her possession of the original assault weapon or .50 BMG rifle and transferred registration of the weapon out of his or her name.*

(2) For this exemption to apply, in the case of a peace officer who possesses or receives the assault weapon prior to January 1, 2002, the officer shall register the assault weapon on or before April 1, 2002, pursuant to former Section 12285, as it read at any time from when it was enacted by Section 3 of Chapter 19 of the Statutes of 1989, to and including when it was amended by Section 9 of Chapter 129 of the Statutes of 1999. In the case of a peace officer who possesses or receives the assault weapon on or after January 1, 2002, the officer shall, not later than 90 days after possession or receipt, register the assault weapon pursuant to Article 5 (commencing with Section 30900), or pursuant to former Section 12285, as it read at any time from when it was amended by Section 9 of Chapter 129 of the Statutes of 1999 to when it was repealed by the Deadly Weapons Recodification Act of 2010. In the case of a peace officer who possesses or receives a .50 BMG rifle on or before January 1, 2005, the officer shall register the .50 BMG rifle on or before April 30, 2006. In the case of a peace officer who possesses or receives a .50 BMG rifle after January 1, 2005, the officer shall register the .50 BMG rifle not later than one year after possession or receipt. *If a peace officer who lawfully*

1 *purchased an assault weapon or .50 BMG rifle pursuant to*
2 *paragraph (1) and properly registered the firearm in his or her*
3 *name, and who has honorably retired from the law enforcement*
4 *agency, the officer shall notify the Department of Justice of his or*
5 *her change in status and continued ownership of the assault*
6 *weapon or .50 BMG rifle. The notification shall include written*
7 *documentation from the head of the law enforcement agency from*
8 *which the officer retired, or a designee of the department head,*
9 *stating that the officer honorably retired from the agency. As used*
10 *in this section, “honorably retired” includes all peace officers*
11 *who have qualified for, and have accepted, a service or disability*
12 *retirement. For purposes of this section, “honorably retired” does*
13 *not include an officer who has agreed to a service retirement in*
14 *lieu of termination.*

15 *(3) The Department of Justice shall develop a program*
16 *authorizing a retired officer to file a “change of status” form for*
17 *purposes of paragraph (2), shall develop and adopt a form for*
18 *that purpose, and may charge the retired officer seeking to file*
19 *that form a fee covering the reasonable cost of providing this*
20 *service.*

21 ~~(3)~~

22 *(4) With the registration, the peace officer shall include a copy*
23 *of the authorization required pursuant to this subdivision.*

24 *(c) Nothing in this article shall be construed to limit or prohibit*
25 *the sale, delivery, or transfer of an assault weapon or a .50 BMG*
26 *rifle to, or the possession of an assault weapon or a .50 BMG rifle*
27 *by, a member of a federal law enforcement agency provided that*
28 *person is authorized by the employing agency to possess the assault*
29 *weapon or .50 BMG rifle.*